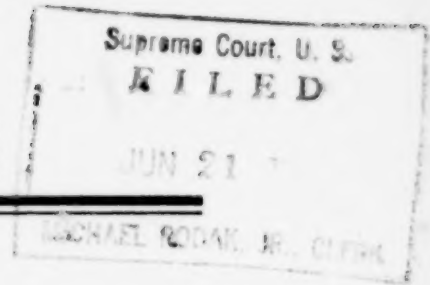


No. 75-1836



**In the  
Supreme Court of the United States**

OCTOBER TERM, 1975

**RALPH B. THOMPSON AND MARGARET E. THOMPSON,**

*Petitioners,*

No. 48236

vs.

**THE SUPREME COURT FOR THE STATE OF ILLINOIS,  
et al., etc.**

*Respondents.*

**MOTION FOR LEAVE TO FILE PETITION FOR WRIT  
OF MANDAMUS TO THE SUPREME COURT FOR  
THE STATE OF ILLINOIS  
and  
PETITION FOR WRIT OF MANDAMUS**

**RALPH B. THOMPSON, and  
MARGARET E. THOMPSON,  
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Hinsdale, Illinois 60521  
(312) 323-3381  
*Petitioners, Pro Se***

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**RALPH B. THOMPSON AND MARGARET E. THOMPSON,**

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et al., etc.**

*Respondents.*

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**MOTION  
FOR LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS**  
\_\_\_\_\_

The petitioners move the court for leave to file the petition for writ of mandamus, hereto annexed, under Section 1651 of Title 28 of the United States Code, and further move that an order and rule be entered and issued directing the Honorable Illinois Supreme Court to show cause why a writ of mandamus should not be issued against such Supreme Court in accordance with the prayer of said petition and why the petitioners should not have such other and further relief in the premises that may be just and meet.

RALPH B. THOMPSON and  
MARGARET E. THOMPSON,  
Petitioners.

Petitioners, Ralph B. Thompson and Margaret E. Thompson, his wife, pray that a writ of mandamus issue, to the Supreme Court for the State of Illinois, to show cause on a day to be fixed by this court, directing the aforesaid Illinois Supreme Court to vacate an order denying leave to appeal, on a petition as a matter of right to review the judgment of the Appellate Court of Illinois, Second District, Second Division, affirming the judgment of the Circuit Court of the 18th Judicial Circuit, DuPage County, Illinois, against petitioners' property in favor of the People of the State of Illinois, for taxes due and unpaid thereon, in Illinois Supreme Court case number 48236.

right to remove the case to a federal district court under 28 U.S.C. 1446 or appeal to the United States Supreme Court under 28 U.S.C. Section 1257(2) or (3), also denying the petitioners the right to a summary judgment in their favor for the damages and injunctive relief sought to which they are entitled.

As asserted in the petition, the case came forth on petitioners' complaint pursuant to Ch. 120, Sec. 804, Ill. Rev. Stat. wherein the consent of the sovereign is given to any person right to complain in any court of competent jurisdiction in the name of the People of the State of Illinois against any officer who connives at any evasion of the provisions of the Revenue Act, the penalty is for double damages or losses and a possible removal from office.

For the Circuit Court to enter judgment against petitioners' property in favor of the People of the State of Illinois on petitioner's complaint wherein they were the relators for the People is in itself an obstruction of justice. But for the Appellate Court to twist the facts and say that these petitioners are ignorant, that the cause did not come forth on their complaint, making an already malicious judgment operative, making the judgment one that came forth on the application of the collector for taxes due and unpaid when the collector has never at any time filed an application, not only confiscates petitioners' property, but, subjects the Appellate Court of Illinois, Second District, to the penalties of Section 804, supra. The Petitioners have the right to a determination by the Illinois Supreme Court, or in the alternative, by a federal district court.

The petition also states, that the same court order, ruling on consolidation of the case at bar with 74-1347,<sup>1</sup> and appointment of a special prosecutor, was entered in both cases on July 30, 1973. App., infra, p. 27.

As stated in the petition, the complaint in 74-1347, which is appended to the jurisdictional statement in this court, was completely incorporated in the case at bar by reference, both cases were filed on October 13, 1972 in the trial court, both are on 1971 taxes, the issues were finally determined by the Circuit Court in this case on March 2, 1973, 74-1347 was determined on April 12, 1973. The trial court could not hear both cases.

The trial court transcript shows, March 2, 1973, (Rec. Doc. 2, Vol. 2, pp. 59, 60):

#### <sup>1</sup> RELATED CASES

1. *Thompson, et ux. v. Clark, etc., et al.*, No. 73-1890 in the United States Supreme Court, judgment issued December 23, 1974, to Illinois Supreme Court. Notice that Illinois Supreme Court mandate issued to Appellate Court of Illinois, Second District, December 30, 1974. Mandate of Illinois Supreme Court issued July 28, 1975.

2. *Thompson, et ux. v. Property Tax Appeal Board, State of Illinois, etc., et al.*, United States Supreme Court No. 74-1437, judgment issued July 15, 1975, to the Appellate Court of Illinois, Second District.

Illinois Supreme Court mandate issued, July 28, 1975. Petitioners, upon information and belief, think the United States Supreme Court judgment issued to the Appellate Court of Illinois, Second District, is in the Illinois Supreme Court, having been credibly so informed by the Appellate Clerk by telephone, as is the like judgment in the case below.

3. *Thompson v. County Board of School Trustees of Du Page County, Illinois, et al.*, No. 74-1526, judgment issued by the United States Supreme Court to the Appellate Court of Illinois, Second District, November 4, 1975.

Illinois Supreme Court mandate issued November 18, 1975 as well as 71-234 and 71-398 on petitions for Writs for Certiorari.



"Ms. Thompson: . . . Now, number four I would like to hold over because of the Property Tax Appeal Board case. . . .

The Court: Well, we are not going to hold four over, or paragraph four. If you want to discuss it or testify to it or make some proof on that point, do it, because today is the day we are concluding this case.

Ms. Thompson: All right. I have evidence that my property is the same as the abutting property. It is all grown up in shrubs. It is vacant because I am in two and a half acre zoning—I mean, two acre zoning, and I own four acres of land; that the abutting property was assessed at  $3\frac{1}{2}\%$  of the value established in the Fairfield-Miller case.

Actually, it is worth a great deal more than that in 1971 because that was established in 1969.

That the Board of Review lowered the assessments on the abutting property on the basis that it was classified as farm land.

Part of this property was rezoned to commercial in 1970, and it is still being taxed at \$500.00 an acre, and the Board of Review, on their publications on what they do, left this—omitted it from the publication and they didn't have a public hearing denying anybody from going in and contesting it. They say if valuations are not satisfactory call for a hearing within ten days. (These documents are in 74-1347 in the motion to appoint a special prosecutor.)

This was not done in the public, and taxes are supposed to be 50% of the actual value, and when somebody else can be taxed at  $3\frac{1}{3}\%$  of actual value, then I deserve the same treatment.

You know that that is not what I asked, but that is all you said you can give me. I think it should be re-assessed.

Now, in the Property Tax Appeal Board case are all of those figures. Now, am I going to be presenting them again in the other case?

The Court: I don't know what you mean.

Ms. Thompson: Well, are you going to hear both cases?

The Court: The case you just had the order entered on before this case, hasn't the hearing commenced?

Ms. Thompson: Yes, it is on assessments.

The Court: Certainly.

Ms. Thompson: You are going to hear it? Well then, that is all I am going to say here, because I am giving my arguments away for the other case."<sup>1</sup>

The law providing access to the courts from the board of review Ch. 120, Sec. 592.1, Ill. Rev. Stat., has since been amended. If appeal is taken to the Property Tax Appeal Board only administrative review may be had and relief may not be sought in the court against the Board of Review. If no such appeal is taken relief may be sought in the court against the Board of Review.

Assessments in Illinois are considered legislative action. The above statute is not only contrary to the doctrine of exhausting administrative remedies before access can be

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<sup>1</sup> The Property Tax Appeal Board case was in no way heard. The defendants made no denials or even oral arguments, the judge announced from the bench that he had read the case and that the evidence did not support petitioners' contentions. Not one allegation was heard.

The law establishing the rate of actual market value has since been amended to  $33\frac{1}{3}\%$  of market value and the total assessments of the counties has been frozen at the prior level. The effect of this in Du Page County has been enormous. For example a house that was assessed in 1971 at \$18,000 was selling in 1975 for around \$50,000, based on the assessor's figure that it was worth \$36,000. None of the residential assessments went down on the 1975 re-assessment based on the lower percent, so now the house has the market value of \$54,000 and prices on these houses has jumped to \$60,000, or 20% in the last six months.



had in the courts, it sets up conflicting court decisions in other respects, in that in direct court action against the Board of Review the courts have held that it is necessary to prove constructive fraud; in Section 592.4 "such decision shall be based upon equity and the weight of evidence and not upon constructive fraud." The assessments are either administrative decisions or they are legislative, they cannot be legislative for the Board of Review and administrative for the property tax appeal board and petitioners have the right to have the Illinois Supreme Court hear and determine their rights.

As asserted in the petition, the Illinois Supreme Court mandate issued to the Appellate Court of Illinois, Second District on December 30, 1974, in 73-1890, *supra*, and as also asserted, the case is in the Circuit Court with a complaint filed, where jurisdiction has not been taken and probably could not be taken because of the Appellate Court mandate. On May 8, 1976 the petitioners learned what the courts already knew, that there was something wrong with the mandate issued on December 30, 1974; as shown on the court order recalling the mandate from the Second District for appeal to this court in February of 1974, Appendix, *infra*, P. 45, the case was assigned to the Third District, Petitioners can only guess that the original mandate went to the Third District; petitioners have the constitutional right to appeal to the Appellate Court in their own district.

Petitioners submit that if the Second District could not give a fair hearing on 73-1890, the reason given for assigning the case to the Third District, that it was estopped from hearing the next three cases, being 74-1347, 74-1526 and the present case at bar.

The title of 73-1890 (it did not have a valid title before because the collector never filed an initial or other pleading) is now People ex rel. Margaret E. Thompson, Relator, Petitioner-Plaintiff vs. The Circuit Court of the 18th Judicial Circuit, et al., etc., Respondents-Defendants; the Complaint, appended hereto, was filed under the same Section 804, *supra*.

Petitioners claim that the Appellate Court ruling that the case at bar did not come forth on petitioners' complaint but on the collector's application for judgment on delinquent lands, was deliberately intended to nullify petitioners' complaint in the Circuit Court.

As shown by the Circuit Court records appended, the records are evidence of outrageous discrimination, need little explanation except that the petitioner did tell the judge in court on the morning of February 13, 1976, that she was not coming back; the mixed up records were 71-234, 71-398 and 73-1890, (U.S. Supreme Court Nos.) The Complaint was filed September 26, 1975, and the filing fee paid; as alleged in the complaint prior practice of the Circuit Clerk was not to collect fees on tax cases. Dates of entry are missing on some of the orders but are shown in the index; the trial judge Charles Norgle, Sr., would allow nothing to be corrected, he called it refusing to make any rulings, making a farce out of this court's ruling in *Faretta v. Calif.*, ..... U.S. ...., 1975. For a court of original jurisdiction to refuse to determine issues of law for non-lawyers is an effective denial of access to the courts, and freedom of speech, necessitating a lawyer for a mouthpiece, and for the Appellate Court to uphold this practice, treating the issues of law as unproven facts making original rulings from the cold record gives petitioners the guaranteed right of review by the Illinois Supreme Court.

As asserted in the petition and as stated by the appellate court opinion appended, petitioner, plaintiff below, raised 24 issues on appeal, claiming judgment appealed is invalid and void as denying plaintiffs due process rights guaranteed by the state and federal constitutions and should be vacated.

In substance petitioners sought to have sections of the Illinois Constitution of 1970, Sections of the Illinois Revised Statutes, especially Chapter 120, Sections 675 (194), 675a (194a) and 716 (235), a myriad of tax levy ordinances, budget and appropriation ordinances and the assessed value on their real estate declared in violation of Fourteenth Amendment rights as to due process of law, equal protection of the law and freedom from discrimination, in the court of first instance, which was the Circuit Court of the 18th Judicial Circuit, DuPage County, Illinois, on a complaint filed on October 13, 1972, on 1971 real estate taxes. The Circuit Court did not rule on the issues of law except what evidence could be identified and admitted.

The appellate court ruled that the trial court was not in error, citing Section 716, *supra*, then proceeded to treat the issues as unproven facts instead of issues of law, arbitrarily exercised original jurisdiction which raises constitutional questions giving the petitioners the constitutional right to a determination by the Illinois Supreme Court. The trial court record rebuttal as follows: (Excerpts PP. 187-80) (Rec. 2, Vol. II)

"Ms. Thompson: Well, I don't think any law is followed any place along the line in the Revenue Act, and when it causes my taxes to go up 90 percent in five years, and when the collector doesn't follow any laws, the State's Attorney doesn't make him, and the court doesn't make him and you can't get the tax ob-

jections heard, that I think the entire tax is vitiated; that I should get one hundred percent back, that because the collector has failed the law, and under section 804, I get back not only one hundred per cent of the tax, but I get double.

Mr. McLaren: Your Honor, I believe the protest attached to the complaint only applies to 92 per cent. I believe that she paid 8 per cent not under protest.

Ms. Thompson: Your Honor, we argued in here. He withheld one hundred per cent. Now, if he is going to withhold 100 per cent, he can give one hundred per cent back. If he has only withheld 92 per cent, I would agree with you, but you didn't make him come back in here and withhold only 92 per cent.

The Court: Well, that memorandum only relates to the excessive accumulation doesn't it?

Okay, anything else to be offered at this time?

All right.

I am not going to take that memorandum, because I don't believe excessive accumulation is the problem."<sup>1</sup>

"Ms. Thompson: Well, they already did excessive accumulations.

The Court: I don't think it is proved by the evidence. *In fact, the evidence in my view doesn't support your objection, Mrs. Thompson, and I rule against you on your objections to dismiss your objection and complaint as to all defendants, and deny you any relief whatsoever.*" (emphasis added)

In substance the petition seeks to have a section of the Illinois Constitution of 1970 declared in violation of Fourteenth Amendment rights as to due process of law, equal protection of the law and freedom from discrimination, such offending section of the 1970 Illinois Constitution being Article VI, Sections 4(a) and 6 reading:

<sup>1</sup> (Petitioner had given the judge a memorandum of cases, both pro and con, on accumulation of tax monies in relation to the Park District levies. The memorandum was not relevant to the rebuttal.)



"... exercise original jurisdiction when necessary to the complete determination of any case on review."

Also, in substance, seeking to have sections of the Illinois Revised Statutes declared in violation of state and federal constitutions protecting civil rights both personal and property, such offending sections being Chapter 53, sections 31 and 28, Chapter 120, Sections 675, 675a, and 716, Chapter 127, Sections 46 and 47, Chapter 110A, Sections 381, 382 and 368, reading:

Chapter 53, Section 28:

"For making a complete record, copy of record, or other papers in his office, for each 100 words 15 cents, except that the clerk shall furnish without cost, parties in interest or their attorneys of record, with printed copies of opinions."

Section 31 (N):

"Preparation and certification of record on change of venue or when original documents only are forwarded on appeal, \$5.

When by court order copies of some or all of the documents in the record are to be forwarded rather than the originals the clerk *may* charge \$.50 per page of the original document copied for each of the first 25 pages of such authorized copies and \$.25 per page of the original document copied for each additional page of authorized copies."

Section 31 (V)

"For each paper containing one or more tax objections, whenever filed, \$5."

Section 31, last paragraph:

"No fee provided herein shall be charged to any unit of local government or school district unless the court orders another party to pay such fee on its behalf."

As asserted in the petition the trial court did appoint a special prosecutor by agreement between the State's Attorney and a DuPage group organized by a Saul Alinsky organizer, on October 24, 1975, when petitioners' oral motion in court on October 23, 1975 to appoint a special prosecutor was also denied. Petitioners claim that this is extreme discrimination against them.

Further on that subject, the collector has now been indicted for bribery, conspiracy and official misconduct in office.

Further, petitioners notified Attorney General Scott in September of 1974, that they were concerned about a possible leak in the Chicago Justice departments investigations in these matters which was posing a threat to them, because of the Saul Alinsky organizers in DuPage County had information that could only have come from the justice department. By appointing this special prosecutor petitioners allege that dissent is being controlled in DuPage County. The collector cannot be investigated without also investigating the court.

As asserted in the petition, all Illinois Courts are effectively estopped from appointing a special prosecutor, unless and until, the decision is vacated in 74-1347.

As further asserted in the petition the result of the Appellate Court action raised the question of the validity of the Business and Economic Development Act, Chapter 127, Sec. 46.1 et seq., 47.2 et seq., Ill. Rev. Stat. and possibly the State Technical Services Act, 15 U.S.C. 1351 et seq., especially sections 46.28 and 47.2, which authorizes state, federal and local government cooperation with private special interest and vested interest parties to the damage of petitioners and their property wherein petitioners are not only paying an undue burden of taxes by

the practices of the Illinois Courts and other defendants below, petitioners' property is encumbered by so many violations of the Illinois Revenue Act that it is confiscated.

The evidence for this confiscation and the actions co-operatively taken against petitioners runs throughout all of petitioners' cases that have come to this court, wherein none of petitioners' allegations have ever been denied.

Starting with a secret meeting, held in Hinsdale, Illinois, on the first or second of September, 1966, which petitioners believe was between Federal, State, local governments, developers, and others, as shown in the records (71-235) plans were devised that would consume petitioners' property. The gist seemed to be planning caused by the National Laboratories in DuPage County, which were managed by a tri-partite agreement between the University of Chicago, the now defunct Atomic Energy Commission and thirty or forty other universities. As footnoted in A SPECIAL INTEREST, Leonard Greenbaum, Ann Arbor, U. of Michigan Press, 1971, Library of Congress No. 74-164042, P. 169, our present United States Attorney General, Edward H. Levi, was the author of the agreement.

One of the alleged planners, the Hinsdale High School District, with the opinion in petitioners' favor, that the two school districts could not join together, hired a new Superintendent who housed on land illegally subdivided without platting which used Petitioners' land as access.

In the case at bar, 74-1526 was objected to on the grounds that the school board was paying the private expenses of its members and also the private expenses of the State's Attorney out of public funds, in a way that interfered with petitioners' zoning and defeated Oak Brook's master plan.

Petitioners submit that the United States Supreme Court ruling in *Hill v. Gautreaux* also concerning housing and school discrimination, is useless, wherein this court contends that low income housing can be controlled to a degree in Chicago's suburbs because of our laws on master plans, unless, we can enforce these laws.

The Appellate Court ruling on the constitutionality of section 675a, supra, also turns an issue of law into one of fact. "Plaintiffs have failed, however, to offer competent evidence of any such agreements."

Ch. 110A, Section 133 (b), Ill. Rev. Stat. reads:

"In pleading a judgment or order of any state or federal court . . . , it is sufficient to state the date of its entry and describe its general nature and allege generally that the judgment or decision was duly given."

The allegation is in petitioners' complaint with the case number given. The allegation was admitted in open court by the assistant State's Attorney, who had written the orders agreed on and the same trial judge had signed them. As shown in the last transcript, (Rec. 2, P. 63) petitioner was presenting evidence that the court had given money back to other taxpayers; and, had already ruled on the issues of law citing the County of DuPage, published Appropriation Ordinance and Tax levy Ordinances, and supporting her point with the court's own records.

As shown on Page 67

"Ms. Thompson: . . . Circuit Court of DuPage County, Illinois, on the Illinois Central Railroad tax objections for 1969, . . .

Mr. Murphy: (he never did file an appearance or give an address) Is that an order of this court, madam?



Ms. Thompson: There is an order of the court on that.

Mr. Murphy: No, no, but I am saying, are you reading from an order of the court or are you reading from some other part of the document in the case?

Ms. Thompson: I am reading from the document, but it shows that 50% was given back on that item.

Mr. Murphy: Well, now, I would object to that, your Honor. I move to strike.

The Court: In other words, what you are reading is what, a settlement of the prior year tax claim by another party? Is that the idea?

Ms. Thompson: Yes, but I want to know who Mr. Murphy is representing. Is he representing the public or is he—

Mr. Murphy: I am representing District 86.

The Court: Let me see what you are reading from Mrs. Thompson.

Ms. Thompson: This is the State's Attorney's copy, and I don't have the court order, but it shows what the court did with it.

Mr. McLaren: Your Honor, I don't believe there was a hearing on the merits insofar as that case is concerned."<sup>1</sup>

The Court: Well, I am going to sustain Mr. Murphy's objection to what, in fact, is Mrs. Thompson reading some other objector's tax objection.

Ms. Thompson: I am showing the court that I am being discriminated against that the tax levies have been extended; they have been signed by the State's Attorney and the State's Attorney has agreed with other taxpayers that these could not be extended without a referendum; I am being denied the right to vote in the referendum to establish the tax. If I don't pay the tax, my property will be sold, and so, that is extortionate as far as I am concerned.

<sup>1</sup>And this is how the Illinois Courts justify the discrimination. If the State's Attorney agrees with one tax payer it is not a ruling on the merit, is binding on the parties, but is not binding on the court.

The Court: I understand your position. You may proceed."

The document was the State's Attorney's copy as alleged, showed that there was no conference held, that the court had ruled on the merit and had ruled on each objection separately. Petitioners request that the United States Supreme Court take judicial notice of the Appendix in 73-1890, supra, for other such orders, the practice is notorious, not only in DuPage County but in Cook. The practice was not only proven, it was admitted, the Appellate Court could have judicially noticed its own record, and petitioners are entitled to have the constitutionality of the statute determined.

Also, the Appellate court ruling "In a tax objection case there is a presumption that the taxes assessed are correct." is not relevant when the Circuit Court found the cause came forth on petitioners' complaint, and, is in contravention of the intent of the legislature, Ch. 116, Sec. 1 et seq., Ill. Rev. Stat. with reference to court record (and, the records were destroyed in this case) where in section 22, reads:

"... it shall be necessary for the party relying on any such deed or sale to show, affirmatively, that each and all provisions of law, in respect to assessment, levy, sale and deed of the lands affected<sup>1</sup> or to be affected by any such deed or sale as aforesaid, have been in all respects complied with—and no presumption shall be indulged in favor of any such tax deed or sale; and it shall not be sufficient to show a collector's report, Notice, judgment, order of sale, sale notice, notice of sale, tax affidavit, and deed, (anything) in this law or any other law of this state to the contrary notwithstanding."

<sup>1</sup> Petitioners think this should read effected.

The Appellate Court also exercised original jurisdiction on a cold record, offending petitioners' constitutional rights by its ruling:

"The plaintiffs introduced no evidence that the collector was acting in a manner other than according to the statute. . . ."

Petitioners' Exhibit 1 (1970) Final Distribution Statement . . . Village of Oak Brook. Item 1 . . . Total Tax . . . 56,077.39 . . . Item 10 . . . Taxes in litigation 16,436.19. Petitioners' exhibit 23 (1970) Final Distribution Statement, . . . High School District 86. Item 1 Total Tax . . . 4,710,800.94 Item 10 . . . Taxes in litigation, 196,074.39.

The above exhibits show that the collector is withholding more than 1%. The law, Section 675, *supra* has now been amended to read that the collector may withhold the amount paid under protest or "*one half*" of the total taxes collected. The exhibits show taxes in litigation, which is false. Never has the collector accounted for taxes to the court. It was petitioners' contention that the collector is the same as a common carrier, that he can withhold no tax money without court order; that the statute is unconstitutional and, that pursuant to Chapter 116, Sec. 27, Ill. Rev. Stat. the collector is subject to further damages and a fine for refusing to provide the transcript of the tax for our case.

On page 11 of last transcript of Rec. Doc. 2, Vol. II, trial Court proceedings January 8, 1973:

Ms. Thompson: . . . But the point I am making is, the record does not show the amount of taxes paid under protest. I am going to give you an example.

. . .

Mr. McLaren: Your Honor, it is the position of the County Collector that the amount of taxes paid under protest are 100% of the taxes paid under pro-

test. When a person does come in to pay their taxes and they protest, although they might only protest 5, 10, 15, 20 percent of what taxes are.

The Court: In other words your position is that the tax bill is \$100.00, the \$100.00 is paid under protest.

Mr. McLaren: Right.

. . .

Page 12.

Ms. Thompson: Let me tell you what happened. Look at the Illinois Central. In 1969 they paid \$40,000.00 worth of tax. They protested 5% of it. The County Collector withheld \$40,000.00.

. . .

Ms. Thompson: . . . Now, how much is he withholding? . . . If he is withholding one per cent of the tax, that can be over one million dollars (interest). And if he is withholding one per cent of the tax for three years, that can be four million dollars (interest).

And on page 22:

Ms. Thompson: He is collecting interest—at least we hope he is collecting interest—on all this tax money that has been paid under protest since September. . . .

and the argument continues on P. 25 and 26, the judge did not rule.<sup>1</sup>

Petitioners have the right and the Illinois Supreme Court is mandated to enter judgment for the correct amount of taxes pursuant to Ch. 120, Sec. 718, Ill. Rev. Stat. Ch. 120, Sec. 781, Ill. Rev. Stat. provides that taxes paid under protest be distributed as provided in Section

<sup>1</sup> It was after the above January 8, 1973 arguments that the County Collector obtained an opinion from the Illinois Attorney General permitting him to deposit tax funds in interest-bearing bank accounts pending distribution to the county's taxing bodies. As asserted in the petition after three years the amount of interest gained was \$4,000,000.00.

675, *supra* (194), and that they not be held more than three years. Section 782, of Ch. 120, Ill. Rev. Stat. provides that the Department of Local Government Affairs take necessary action for any failure to settle, and that the action be pursued by the Attorney General.

Further the Illinois Supreme Court is violating petitioners' federal constitutional rights under the color of state law by making decisions that effect private rights and privileges outside the arena of the formal court proceedings and allowing the lower courts to also make such decisions; the decision on the availability of records; that there would not be any records for the appeal in 73-1890; violating petitioners' constitutional right to appeal a final judgment of the trial court to the appellate court in their district by transferring 73-1890, *supra* to the Third District in Ottawa; by making two divisions of three judges each out of four elected judges by calling back retired judges who were not elected from their district; by sending the court administrator to the circuit court to advise the chief judge to hire an administrator to clean up more than 2000 tax objection cases instead of ruling on this case; in issuing its mandate a second time on July 28, 1975, in 73-1890 *supra*.

As asserted in the petition the Illinois Supreme Court has the statutory mandate to enter judgment for the correct amount of money, Chapter 120, Section 718, Ill. Rev. Stat. and that original jurisdiction is needed, Ch. 110A Sections 381 and 382, Ill. Rev. Stat. are unconstitutional under the Fourteenth Amendment in that original jurisdiction established in the Illinois Supreme Court in a revenue related matter by the Illinois Constitution, is by these statutes limited to questions of law. How much money the collector is withholding is a question of fact. The Solicitor General is being served pursuant to 28 U.S.C. 2403, Acts of Congress are involved.

## Reasons for Granting the Writ

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The Illinois Supreme Court is *ultra vires* its authority in refusing to rule on a petition as a matter of right and deprived petitioners of a right to a determination by it of constitutional issues raised by action of the Appellate Court or to a direct appeal to this Court. Section 1257(2) requires that a notice of appeal be filed in the court possessed of the record and that the entire record be available for the appeal, but the court has refused to give a construction to the statutes on preparation and certification and transfer of the records, Ch. 53, Sec. 28, *supra*, and has gone even further than this, in 73-1890, in saying there would be no records, and the posture of the four cases is such that an appeal would not terminate the litigation.

As shown by the record submitted herewith, some of the transcript of this case are in 74-1347, *supra*, the transcripts having been deliberately filed in the wrong case by the trial judge.

Chapter 110A, Section 317, Ill. Rev. Stat. is jurisdictional and mandatory, and in no way discretionary, and a denial is tantamount to an affirmance of the appellate court decision, giving the Illinois Supreme Court the statutory mandate under Chapter 120, Section 718, Ill. Rev. Stat. (1971) to enter judgment for the amount of taxes and damages and terminate the litigation.

The Illinois Supreme Court is also depriving petitioners of the right to be heard by the federal district court under 42 U.S.C. 1983 by denying the records for a removal to that court under 28 U.S.C. 1446, wherein these petitioners have already paid for the preparation of the records.

Under rule 322(b) of the Illinois Supreme Court, that court can administratively order the entire original rec-



ord transmitted without a praecipe being filed. And, by Rule 329, if the record is insufficient to present fully and fairly the questions involved, the requisite portions may be supplied at the cost of the appellant. Which cost under Illinois law could not be more than five dollars plus postage on any one case. And, as the records show, they are in such a condition in the Circuit Court that the circuit clerk will only certify the records document by document.

It would be far more economical, whether the Illinois Supreme Court ends up determining this case or whether it is finally removed to a federal court, for the Illinois Supreme Court to call up Appellate Court and Circuit Court records and rule on its jurisdiction.

The Illinois Supreme Court cannot dismiss an appeal for a want of jurisdiction if there is a court of competent jurisdiction to hear it. Ch. 110, Sec. 8 (1), Ill. Rev. Stat. Should the Illinois Supreme Court refuse jurisdiction, which it has, then the case would go to the federal court under 42 U.S.C. 1983.

Petitioners are supported in their contention that mandamus is the appropriate relief to compel the Illinois Supreme Court to rule on its jurisdiction by *Butz v. City of Muscatine*, 19 L.Ed. 490; *Thermtron Products, Inc. v. Hermansdorfer*, ..... U.S. .... PP. B582 and B583 of 1975 Supreme Court Bulletin.

“A traditional use of the writ in aid of appellate jurisdiction both at common law and in the federal court has been to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so.”

That the United States Supreme Court wants the state courts to determine state matters is shown in *Huff-*

*man v. Pursue*, 420 U.S. 592; *Younger v. Harris*, 401 U.S. 37; *Dambrowski v. Pfister*, 38 U.S. 479.

The Illinois Supreme Court is further *ultra vires* its authority in refusing to determine its jurisdiction and ignoring Section 718 wherein it is mandatory to enter judgment for correct amount, and deprives the Petitioners of a right to a summary judgment in their favor granting the damages and injunctive relief asked. None of petitioners' allegations has ever been denied or answered; petitioners' civil rights have been violated repeatedly; that they are entitled to a summary judgment is supported by *Hill v. Gautreaux*, 448 F.2d 731, 739, 740.

The Illinois Supreme Court ignored the absolute right to have it declare Chapter 120, Sections 675, 675a and 716, Ill. Rev. Stat. violative of the First and Fourteenth Amendments as to freedom of speech, due process and equal protection, to remove the encumbrances from their property and terminate the litigation.

By the action of the court not only are the Petitioners deprived of the right to have the unconstitutional assessments, rates and related laws determined, all of the residential taxpayers of DuPage County are deprived of the right to have the matter determined, so that the citizens of Illinois would know what their rights were as to the excessive burden of taxation caused by DuPage County underassessing vacant and developing land to encourage economic development and eliminate the single family resident, pirating business and industry from other counties, under the State Technical Services Act of 1965, Public Law 89-182, 15 U.S.C. 1351 et seq., which cannot stand when if Ch. 127, Section 47.2, Ill. Rev. Stat. is declared



invalid, Congress has no authority to delegate any such legislative authority to the State of Illinois.

If this court does not issue its writ of mandamus, the petitioners will be denied their right to the Illinois Supreme Court, or to a direct appeal, or a petition for a writ of certiorari, because 28 U.S.C. 1257 (2) requires that the Notice of Appeal be filed in the court possessed of the record; the records are in more than one court; petitioners have the original mandate of the Illinois Supreme Court; without the records there can be no direct appeal nor even a removal to a federal district court and as the appendix shows, petitioners have tendered the money for these records.

Petitioner in the Appendix reproduces the Record in the Illinois Supreme Court excepting the Excerpts from Record which is a reproduction of Circuit Court Records as filed in the Appellate Court, and the record shows the Petition as a matter of right with the Appellate Court opinion, final judgment and letter of denial of records by Appellate Clerk appended. And both final orders of the court together with what it took to get that order.

Petitioner in the Appendix also reproduces the record in the Circuit Court of DuPage County from her own records insofar as the Complaint and Motion that was filed to reinstate the case (73-1890) and the court orders that were entered, which is prima facie evidence of discrimination, and also shows why the Circuit Clerk cannot certify the records which have been altered and re-altered. The Clerk's certificate for the appeal on 73-1890 is also in the appendix.

## CONCLUSION

Wherefore, petitioners pray.

1. That a writ of mandamus issue from this court directing the Honorable Supreme Court for the State of Illinois to show cause why mandamus should not issue from this court directing it to vacate its judgments denying leave to appeal on petitions as a matter of right, and remand the cause to said Illinois Supreme Court, with directions to forthwith determine its jurisdiction; hear and determine the cause or in the alternative to commence the procedure of administratively calling up the records for a removal to the federal district court under 42 U.S.C. 1983, and 28 U.S.C. 1446, and

2. That Petitioners have such additional relief and process as may be necessary and appropriate in the premises.

Respectfully submitted,

RALPH B. THOMPSON  
MARGARET E. THOMPSON,  
Box 133  
Hinsdale, Illinois 60521  
*Petitioners*

## APPENDIX

**APPENDIX A**

---

No. 48236

---

IN THE SUPREME COURT OF ILLINOIS  
PEOPLE OF THE STATE OF ILLINOIS EX REL.  
RALPH B. THOMPSON AND MARGARET E. THOMP-  
SON AND RALPH B. THOMPSON AND MARGARET  
E. THOMPSON, individually,

Petitioners  
(Plaintiffs-Appellants)

v.

JAMES H. CLARK, COUNTY COLLECTOR, JOHN  
BOWMAN, STATE'S ATTORNEY, RAY MACDON-  
ALD, COUNTY CLERK, COUNTY BOARD OF TAX  
REVIEW, ALL IN DU PAGE COUNTY, ILLINOIS, IN  
THE MATTER OF JUDGMENT FOR LOTS AND  
LANDS DELINQUENT IN PAYMENT OF TAXES,

Respondents  
(Defendants-Appellees)

---

Appeal from the Appellate Court of Illinois,  
Second District, Second Division,  
No. 73-435 (T.C. No. C72-1074 Sub 112)

---

PETITION FOR APPEAL AS A MATTER OF RIGHT  
PEOPLE OF THE STATE OF ILLINOIS

on the relation of Ralph B. Thompson  
and Margaret E. Thompson and Ralph B.  
Thompson and Margaret E. Thompson  
individually,

Petitioners

Box 133

Hinsdale, Illinois 60521

323-3381

## App. 2

### PETITION FOR APPEAL AS A MATTER OF RIGHT

The petitioners, pursuant to Chapter 110A, Section 317, Ill. Rev. Stat. and Article VI, Sec. 4(c), Illinois Constitution of 1970, file this their petition for appeal as a matter of right as the basis upon which it is contended that the Supreme Court of Illinois has jurisdiction to review the final order of judgment for unpaid taxes against certain property in question, and should exercise such jurisdiction in this case.

### OPINIONS AND JUDGMENTS BELOW

The opinion of the Appellate Court filed on December 3, 1975, Appendix, *infra*, Page 1.

The final order of the Appellate Court entered on December 3, 1975, Appendix, *infra*, Page 11.

Corrections ordered December 17, 1975, Appendix, Page 12.

Appellate Clerk's refusal to prepare and certify record, Appendix, P. 13.

There was no petition for a rehearing.

### POINTS RELIED UPON FOR A REVERSAL

Whether the trial court and the appellate court could enter judgment against property for taxes when the taxes were fully paid under protest and objections filed.

Whether the trial court and appellate court erred in denying petitioner's motion to appoint a special prosecutor to prosecute the violations in the penalties of the Revenue Act when none of the violations alleged was denied.

Whether judgment was entered against petitioner's property to confiscate it when defendants could not obtain

## App. 3

the property any other way calling into question the validity of Chapter 127, Sec. 46 & 47, Ill. Rev. Stat. as denying due process and equal protection to petitioners as guaranteed by state and federal constitutions.

Whether the appellate court erred in the trial courts being required to hear and determine the questions of law.

Whether the appellate court erred in the application of 716 to petitioners' tax objections.

That petitioners' complaint under Section 804 of the Revenue Act demanded an answer.

## II

Whether the Appellate Court Opinion and Final Order is null and void for declaring that the cause came forth on the application of the Collector when the Trial Court Order appealed declares that the cause came forth on the Complaint of the Petitioners herein, and constitutes an obstruction of justice as defined by 18 U.S.C. 1623.

## III

Whether Plaintiffs were entitled to a Summary Judgment in their favor where the cause came on upon their Complaint, the allegations not being denied were admitted.

## IV

Whether Sections 675, 675a and 716 of the Illinois Revenue Act are unconstitutional because they preclude an adversary proceeding denying the plaintiffs the right to sue.

## V

Whether the Collector could withhold 100% of Plaintiff's taxes when only 92% was objected to and paid under protest.



App. 4

VI

Whether the Final Order of the Appellate Court is null and void as being in contravention of Section 718, of the Illinois Revenue Act, wherein the Clerk is required to certify the correct amount to the Collector, which is an absurdity since the Trial Court did not take jurisdiction of the money nor determine the correct amount.

VII

Whether a judgment against Petitioners' property is valid where the Collector did not file an application and there are no unpaid taxes.

VIII

Whether the Appellate Court opinion is contrary to and in conflict with its prior decisions and opinions on the same issues between the same parties, is repugnant to the doctrines of stare decisis and res judicata and is null and void.

IX

Whether Chapter 53, Section 28, Illinois Revised Statutes is unconstitutional as being repugnant to the mandates of the Illinois Constitution, Section 16, Article VI, requiring the Illinois Supreme Court to provide inexpensive and efficient appeals.

X

Whether Article II, Section 2, of the 1970 Illinois Constitution is unconstitutional as denying the sovereignty to the people and preventing the Petitioners the right to sue in Illinois courts.

XI

Where the Appellate Court has the power to enter any order the Trial Court should have entered may that Court

App. 5

rule that the Trial Court was not required to enter any but a Summary Order and then proceed to enter ruling de novo where the Trial Court did not; exercising original jurisdiction without due process calling into question the validity and constitutionality of Article VI, Sections 4(a) and 6, Illinois Constitution of 1970, *may exercise original jurisdiction when necessary to the complete determination of any case on review.*

XII

Whether People ex rel. Thompson v. Property Tax Appeal Board, et al., 22 Ill. App. 3d 316 (1974) is null and void for the reason that the same issues were in the case at bar which was disposed of first and the Trial Court was estopped from ruling again.

XIII

Whether taxes can be levied and extended on rates that have been held illegal by the Circuit Court.

XIV

Whether the Appellate Court erred in not ruling on the excessive over assessment by the Board of Review as to the real estate in question, placing an undue burden on Petitioners.

XV

Whether the Appellate Court ruled correctly on any of the rates objected to by Petitioners.

XVI

Whether the trial court and the Appellate Court erred on the collector's being required to distribute taxes paid under protest through the court.

## XVIII

The Appellate Court erred in not considering two cases to be consolidated at the same time.

## XIX

Whether the Trial Court and the Appellate Court erred in the ruling that the judgment could be entered nunc pro tunc.

## XX

Whether the Appellate Court erred in there being a rehearing in the Trial Court.

## XXI

Whether both the Trial Court and the Appellate Court erred in that Plaintiff's Complaint pursuant to Section 804 of the Revenue Act had to be answered.

## STATEMENT OF FACTS

The facts as set forth in the opinion are so inconsistent to the degree that some of them are false by definition constituting perjury on its face.

As shown by the order appealed from the trial court decision declares that the cause came forth on the petitioners complaint and says nothing about the application of the collector.

The collector has never filed an initial pleading or other pleading and is not a valid appellee or respondent in this case.

There are no valid respondents, none having pleaded in the trial court.

## ARGUMENTS

Where the Revenue Act provides for procedures to be followed in assessing, levying taxes and for the taxpayer to protest and object to the same, and none of the procedures are followed; the collector failing in every year since 1967 to file an application to determine the correct amount of taxes paid under protest or for the sale of lots and lands delinquent in the payment of taxes, and the petitioners finally file a complaint as an action on the case under Section 804 of the Revenue Act, it is absolutely intolerable to have the Appellate Court of Illinois declare that the petitioners are stupid idiots, and assume the collector filed an application; Chapter 120, Section 675, 675a, and 716, Illinois Revised Statutes are vague and unworkable, are denying due process and equal protection of the laws as to petitioners and must be held invalid and unconstitutional. Both the trial court and the Appellate Court refused to rule on the constitutionality of these statutes.

Where the Revenue Act provides for a conference the State's Attorney makes out of court settlements with some taxpayers. The agreements are never filed, only the amount of refund. The rates that are agreed to be invalid and void or extended again and again.

As shown by the record the collector is withholding more than one per cent of the taxes and more than the amount paid under protest; petitioners paid 92% under protest; the state's attorney argued that the collector was entitled to withhold 100% regardless of how much was protested in contravention of the provisions of the Revenue Act.

The collector made around four million in interest off of withheld taxes in 1974, does not want to file a transcript of the tax from his warrant books into petitioner's case

to the extent that judgment was obtained against petitioner's property when taxes are fully paid, for the reason that if he accounted for petitioner's money he would be required to account for all of the money being withheld. Even the Illinois Supreme Court cannot finally decide this case without the collector disclosing the amount of money being withheld. The judgment is required to be for the correct amount of taxes paid under protest.

The Appellate Court decisions are so inconsistent that none of them is valid. In case number 70-220, 43928 in this court the Appellate Court dismissed petitioner's appeal on the motion of the collector that the cases were numbers on his warrant books, in 72-73 the appellate court dismissed the appeal declaring that they did not dismiss petitioner's appeal in case number 70-220, that the Illinois Supreme Court did. The appellate court also refused to rule on the judgment against delinquent lands appealed by petitioners on the arguments that petitioner's taxes were fully paid; that therefore petitioners did not have standing that judgment would never be entered against the petitioner's property. In the case at bar the appellate court affirms judgment against petitioner's property when the taxes are fully paid. In *Thompson v. Board of Commissioners*, 132 Ill. App. 2d 178, the motion of the defendant states the motion was by coulin couper individually, and also declares that the attorney is representing the defendant which was the Park District. In 73-376, 47166 in this court the motion to dismiss declares in one place that it is a motion to dismiss and in another that it is a motion to grant petitioner's prayer for relief. In *People ex rel. Thompson v. Property Tax Appeal Board*, 22 Ill. App. 3d 316, the same order denies the appointment of a special prosecutor as in the case at bar, the original

is in the property tax appeal board case with only that trial court number, the duplicate is in this case with two trial court numbers; the appellate court ruled that petitioner's motion was impertinent and slanderous and should have been denied on its merits whereas the trial court is now estopped from appointing a special prosecutor to investigate the collector while still denying the appointment of a special prosecutor to these petitioners on case number 46352 wherein this court's mandate issued on December 30, 1974, and to date is still not reinstated in the trial court, the Chief Judge, presiding trial court judge in this case after disqualifying himself as chief judge signed an agreed on order that appointed a special prosecutor to have the collector investigated. That all of the above actions constitute perjury and none of the appellate court opinions against these petitioners is valid.

That the clerk of the appellate court's grounds for denying the records calls into question the validity of Chapter 53, Section 28, Illinois Revised Statutes as being contrary to the constitutional rights of petitioners. That the petitioners disagree with that clerk's statement of a misunderstanding, in case number 70-220 in that court the clerk reproduced three copies of pleadings filed in the appellate court, did not include an index, inter alia, which was willful malice against petitioners. Petitioners submit that the clerk of the Illinois Supreme Court at no time has made reproductions of pleadings but has prepared and certified either the original or a duplicate original as filed by petitioners. With four copies of all pleadings filed in the appellate court it is unreasonable for the clerk to make reproductions. The statute needs to be given a construction.



The Illinois Supreme Court in case number 46352 did order the records not transferred which is a **flagrant violation** of petitioner's rights. That the last two appeals of of petitioners to the United States Supreme Court were denied in part because the records could not be obtained, and because this case precedes the other two. Petitioners submit that if the Illinois Supreme Court is counting on the United States Supreme Court doing nothing, that the Illinois Supreme Court is on its own in that petitioners conceded before the last two appeals were denied that they would have come back down to the State Courts and back up again to get the records. For the Appellate Court to held the records and furnish only reproductions constitutes a form of embezzlement.

That the petitioners are paying an undue burden of taxes, that the records show overwhelming evidence of violations of the Revenue Act wherein the defendants are conniving to take petitioner's property without due process, calling into question the validity of Chapter 127, Sections 46 and 47 and, 15 U.S.C. 1351 et seq., wherein federal, state and local governments are cooperating but have not been able to confiscate petitioner's property. That judgment against petitioner's property when the taxes are fully paid has been done with malice.

Petitioners further submit that the appellate court should have ruled on the falsely certified transcripts, the destruction of transcripts, the filing by the trial judge of the transcripts for this case in the property tax appeal board case, so that the constitutional questions would not be answered. That the question of the Judicial Inquiry Board's interference should have been ruled upon.

There can be no doubt that this case should have been consolidated with the Property Tax Appeal Board case; they are both on 1971 tax year; the complaint from the

Property Tax case is fully incorporated in this case and when this case has not been finally determined and was ruled upon in the trial court before the Property Tax case, the trial court was estopped in that case.

Petitioners submit that for this case to be finally determined they will need to file motions for original action to compel the collector to account for the money being withheld, to compel the appellate clerk to prepare and certify and index the original records, to this court to the complete determination of the case on review or in the alternative to transfer to a federal district court for violating petitioners' rights under color of state law.

Petitioners submit that case number 43928 and 46352 in this court precede this case. That neither case has a valid title in that the collector never filed an initial pleading. It being the practice of the circuit clerk to transfer tax objections to the collector's office where they are transcribed into the collector's warrant books. That none of these cases has been finally determined and are back in the trial court on Petitioners' complaint. That the trial court to date has refused to take jurisdiction; that there is every possibility that the trial court cannot take jurisdiction of a perjured appellate court mandate, compelling the Illinois Supreme Court to recall its mandate.

The above cases are now working through motions to transfer to the federal district court.

Petitioners submit that they now have exhausted any possibility of relief in the Illinois Courts even this court and cite case numbers 43613, wherein petitioner's tax case was treated as a protest number and overruled, number 43928, same thing, number 44360 same cases dismissed while on appeal for lack of jurisdiction, 46352 mandate issued December 30, 1974, same thing the collector never filed a pleading and refused to account for the money.

App. 12

CONCLUSION

Wherefore it is respectfully submitted that the Illinois Supreme Court has Jurisdiction of this appeal.

Respectfully submitted,

Ralph B. Thompson and,  
Margaret E. Thompson  
Petitioners

Box 133  
Hinsdale, Illinois 60521  
323-3381

App. 13

73-435

UNITED STATES OF AMERICA

State of Illinois )  
Appellate Court ) ss.  
Second District )

At a session of the Appellate Court, begun and held at Elgin, on the 1st day of December, in the year of our Lord one thousand nine hundred and seventy five, within and for the Second District of Illinois:

SECOND DIVISION

Present—Honorable Thomas J. Moran, Presiding Justice  
Honorable Walter Dixon, Justice  
Honorable Albert E. Hallett, Justice  
Loren J. Strotz, Clerk  
William A. Klusak, Sheriff

BE IT REMEMBERED, that afterward, to wit: On December 3, 1975 the Opinions of the Court was filed in the Clerk's office of said Court, in the words and figures following, viz:

No. 73 - 435

Filed 2nd Division, Dec. 3, 1975  
Loren J. Strotz, Clerk  
Appellate Court, 2nd District  
(Publ. In Full)

IN THE  
APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT — SECOND DIVISION

PEOPLE OF THE STATE OF ILLINOIS ex rel.  
RALPH B. THOMPSON and MARGARET E. THOMP-  
SON and RALPH B. THOMPSON and MARGARET E.  
THOMPSON, individually,

Plaintiffs-Appellants,

v.

JAMES H. CLARK, COUNTY COLLECTOR, JOHN  
BOWMAN, STATE'S ATTORNEY, RAY MAC DON-  
ALD, COUNTY CLERK, COUNTY BOARD OF TAX  
REVIEW, ALL OF DUPAGE COUNTY, ILLINOIS,  
IN THE MATTER OF JUDGMENT FOR LOTS AND  
LANDS DELINQUENT IN PAYMENT OF TAXES,  
Defendants-Appellees.

Appeal from the Circuit Court of the Eighteenth Judicial  
Circuit, Du Page County, Illinois.

JUSTICE THOMAS J. MORAN delivered the opinion of the  
court:

Plaintiffs appeal from a judgment rendered in favor of  
the defendants against certain property owned by them.  
The judgment is founded upon 1971 real property taxes.  
In accordance with the statutory scheme, the plaintiffs paid  
their taxes under protest. Thereafter, the county collec-  
tor filed an application for judgment against their proper-  
ty, the application accompanied by the required statutory  
affidavit; in response, plaintiffs filed tax objections raising  
various issues.

The plaintiffs appeared *pro se* and, after a trial on the  
merits, judgment against the property was entered on  
March 13, 1973, *nunc pro tunc* as of March 2, 1973. On  
June 30, 1973, the judgment was vacated and, upon re-  
hearing, September 10, 1973, judgment was again entered  
*nunc pro tunc* as of March 2, 1973. Plaintiffs raise 24 issues  
on appeal; we have consolidated them into three categories.

It is claimed that the judgment appealed is invalid and  
void as denying plaintiffs due process rights guaranteed  
by the state and federal constitutions and therefore the  
judgment should be vacated. Specifically, plaintiffs claim  
that the court erred: (a) in entering the judgment *nunc  
pro tunc*; (b) in not requiring written pleadings by the  
defendants; and (c) in its interpretation of certain laws.

Plaintiffs claim the order entered September 10, *nunc  
pro tunc* as of March 2, was invalid because no order was  
rendered on March 2, 1973, and therefore a *nunc pro tunc*  
order cannot be entered to supply such omission. The cita-  
tion which plaintiffs quote to support their contention be-  
lies its applicability to the case at hand. It states, "where  
there is no minute or memorial paper in the records to  
show that the order was, in fact, made, it cannot \*\*\* be so  
entered." (*People v. Rosenwald*, 266 Ill. 548, 554 (1915).)  
Here, the record reveals a ruling in the form of a minute  
order dated March 2, 1973, indicating that a written order  
was to come. The written order was entered on March 13,  
*nunc pro tunc* as of March 2. At the time of rehearing, no  
new matters of substance were introduced to modify or  
alter the original order entered. Therefore, it was proper  
for the court, upon denial of rehearing relief, to enter its  
September 10, 1973 order *nunc pro tunc* as of March 2,  
1973.



To discuss plaintiffs' claim that the defendants were required to file written pleadings, we review the statutory procedures in a tax objection case. Under Section 229 of the Revenue Act of 1939 (Ill. Rev. Stat. 1971, ch. 120, §710) the county collector is directed to apply to the court, during the month of October, for judgment and order of sale for taxes on delinquent lands and for judgment fixing the correct amount of any tax paid under protest. Such application has been construed to be in the nature of a complaint. (*People ex rel. Reid v. Adkins*, 48 Ill. 2d 402, 405 (1971). The list of lands on which taxes are delinquent or paid under protest, together with the statutorily-required supplemental certificate (which insures the currency of the list) and the collector's affidavit, establishes the evidence to be presented to the court on application for judgment, and constitutes a prima facie case. (See *People ex rel. Brenza v. Anderson*, 411 Ill. 252, 255 (1952).) The court is instructed to examine the list, and if any specific objection in writing is offered in defense, then the court shall hear the matter in summary manner, without pleadings, and render judgment. (Ill. Rev. Stat. 1971, ch. 120, §716.) Thus, tax objections are, in the language of the statute, defenses. Where no objections are filed, the taxpayer, in essence, is guilty of failing to file an answer to the collector's complaint, and a tax judgment in this circumstance is equivalent to a default judgment. *Reid*, supra, 405.

[The procedure for paying one's real estate taxes under protest, as provided in §716, is set out in Ill. Rev. Stat. 1971, ch. 120, §675,] "*The procedure for paying one's real estate taxes under protest, as provided in section 235 of the Revenue Act* (Ill. Rev. Stat., 1971, ch. 120, sec. 716) *is set out in section 194 of the Act* (Ill. Rev. Stat. 1971, ch. 120, Sec. 716) which in turn provides that proceedings upon

objections filed under this section are subject to [§675a] 194a. Under [§675a] 194a, the court is instructed to hold a conference between the tax objector and the State's Attorney within 90 days of the filing of the objection unless the matter is disposed of sooner. If a compromise agreement is reached, the agreement must be filed with the clerk of the court. If no agreement is reached, the court must, upon demand of either party, set a hearing date within 90 days of the demand.

When the plaintiffs' objections, which they characterize as a "complaint", are viewed against this statutory procedure, it becomes clear that their "complaint" was, in its true function, an answer to the collector's complaint for tax judgment. Thus, under [§716] 235, no additional written pleadings on the part of defendants are required since issue has been joined by the collector's application and the plaintiffs' written tax objections. We have examined the record in this case at length, and find that the proceedings herein did not deviate in any material way from the statutory scheme outlined above.

Plaintiffs allege that "*section 194a of the Revenue Act of 1939*" [Ill. Rev. Stat. 1971, ch. 120, §675a] is unconstitutional, it being a violation of equal protection. That section, as discussed above, provides for a pretrial conference wherein the tax objector and the State's Attorney may work out a compromise agreement on tax objections. Any such agreement must be filed with the court. The plaintiffs in this case allege that no such agreement was reached with the State's Attorney, whereas compromise tax agreements were reached with other taxpayers on the same tax objections, and assert that this constitutes a violation of equal protection. Plaintiffs have failed, however, to offer competent evidence of any such agreements. Here, as

elsewhere in their trial court presentation and brief, plaintiffs offer allegations, not proof. While we realize the difficulties of a *pro se* presentation, especially in matters as complex as taxation, and respect plaintiffs' earnestness in this matter, the allegations, unsupported by proof, cannot form the basis for relief. In a tax objection case there is a presumption that the taxes assessed are correct. The burden is upon the objector to prove facts to sustain the objection. (*People ex rel. Brenza v. Fleetwood*, 413 Ill. 530, 545 (1952).) A close reading of the entire record reveals that plaintiffs have not met this burden regarding any of the objections raised by their pleadings.

Plaintiffs allege errors in the rulings of the trial court. Some have been discussed above; others which merit discussion will be reviewed briefly.

(1) Plaintiffs claim that the trial court erred by ruling that proper notice had been given to the taxing districts. The record reveals that the required statutory notice was given, therefore, no error occurred.

(2) Plaintiffs claim that the court erred in failing to order the collector to make a full disclosure. While it is not altogether clear from their brief, it appears that plaintiffs are referring to disclosure of the amount of total taxes withheld from distribution. *Section 194 of the Revenue Act of 1939* [Ill. Rev. Stat. 1971, ch. 120, §675] provides in part that "No protest shall prevent or be a cause [of] delay in the distribution of tax collections among the taxing bodies of any taxes collected which were not paid under protest. The collector may withhold from distribution the amounts paid under protest or 1% of the total taxes collected, whichever is less." The plaintiffs introduced no evidence that the collector was acting in a

manner other than according to the statute, therefore failure to order the collector to make such disclosure was not error.

(3) Plaintiffs urge that the trial court erred in excluding proper evidence offered to support their case. Some of the items to which plaintiffs apparently refer were never presented to the court for identification, are not present in the record on review, and are thus not reviewable. (See *Grier v. Barkley*, 182 Ill. App. 541, 545-46 (1913).) The plaintiffs did not adequately identify or ask the trial court to take judicial notice of orders claimed to have been entered in a previous case wherein plaintiffs were objecting to their 1970 taxes. The record reveals that other rejected items (to which plaintiffs refer generally) were clearly not competent evidence. The items were newspaper articles, portions of other taxpayers' tax objections, and documents dealing with prior years' taxes, the relevance of which was not adequately demonstrated. From our review, we conclude that the trial court did not err by excluding evidence described by plaintiffs as proper.

(4) Plaintiffs allege that there was no pretrial conference as provided for in section "194a of the Revenue Act of 1939" 675a, *supra*. Since plaintiffs' statements in the record admit that a pretrial conference was held, the nub of plaintiffs' complaint seems to be that there was no court reporter at the conference and, there being no record of what occurred, the proceedings did not constitute a pretrial conference. This argument is without merit. The above cited section of the Revenue Act does not require a record of the proceedings to be made; neither is such record required in pretrial conferences of civil cases according to Supreme Court Rule. (Ill. Rev. Stat. 171, ch. 110A,



§218.) The responsibility for having the pretrial proceedings recorded rests upon the party seeking the same.

(5) Plaintiffs assert that the trial court erred in denying a motion to amend their pleadings to include a count for mandamus or a count for declaratory judgment. It is argued that since the named defendants did not appear at the March 2, 1973, hearing (although present by their attorneys) the court should have treated plaintiffs as the complaining witnesses and allowed them to amend the cause of action before the court. Plaintiffs cite no authority to support the proposition; they arrive at their conclusion through the misconception that it was their objections, rather than the collector's application for judgment, that initiated the action before the court.

(6) Plaintiffs contend that the trial court committed error in giving summary decision in this case. They argue that because each of their objections raised different questions of law and fact, the court was bound to make detailed findings of fact and conclusions of law on each objection raised rather than to summarily dispose of all matters as a group. Contrary to plaintiffs' position, section [716 supra] "235 of the Revenue Act of 1939", provides that the court "shall hear and determine the matter [tax objections] in a summary manner."

(7) A motion to consolidate this case with an earlier case (involving plaintiffs' 1970 taxes) was correctly denied on July 7, 1973, since plaintiffs had filed a notice of appeal from rulings in that case on April 12, 1973. See *People ex rel. Thompson v. Property Tax Appeal Bd.*, 22 Ill. App. 3d 316 (1974).

(8) The trial court did not err in ruling that plaintiffs' evidence was insufficient to sustain their complaint against the Oak Brook Park District appropriation ordinance. The

plaintiffs introduced the Park District's appropriation ordinances for the years 1967-1972 to show accumulation of funds. Such accumulations are alleged to be illegal by the plaintiffs. The only authority cited for that proposition was an earlier case of plaintiffs' wherein judgment was entered on the defendant Park District's motion to dismiss plaintiffs' complaint with prejudice. See *Thompson v. Board of Commissioners*, 132 Ill. App. 2d 178 (1971).

(9) Plaintiffs claim that the trial court erred regarding the validity of the education fund rate for School District 53. It is argued that the rate increase was invalid because the proposition was not clearly stated on the ballot as required by statute. (Ill. Rev. Stat. 1971, ch. 122, §9-13.) However, this section requires only that the "substance" of such proposition appear. The sample ballot introduced by defendants reveals that the substance of the proposed rate increase did appear on the ballot. We find no error in this regard.

(10) Plaintiffs claim that the court erred by not ruling on the question of whether, without referendum, two or more school districts may join together to form a single area vocational education district. Testimony of the business manager of the school district established that such referendum was held. The document offered by plaintiffs (the sole support of their contention) revealed that School District 86 held a referendum to levy a tax to build a vocational school. Such document, however, does not establish that only that referendum was held. Clearly, another referendum could have been held which authorized the school district's participation in the DuPage Area Vocational Association.



(11) On July 30, 1973, the court found plaintiffs were not notified of the date and time of entry of the March 13 order. It therefore vacated the order and set September 11 for a rehearing on the entry of a new order. Plaintiffs claim that the rehearing never occurred. The claim is contradicted by the record. An order entered on September 11 disposes of plaintiffs' objections after first reciting the presence of the plaintiffs.

Judgment affirmed

HALLETT, DIXON, J.J., concur

# UNITED STATES OF AMERICA

State of Illinois, )  
Appellate Court, ) ss.  
Second District, )

I, LOREN J. STROTZ, Clerk of the Appellate Court, in and for said Second Judicial District of the State of Illinois, and the keeper of the Records and Seal thereof, do hereby certify that the foregoing is a true, full and complete copy of the Opinion of the said Appellate Court in the above entitled cause of record in my said office.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the said Appellate Court, in Elgin, in said State, this 3rd day of December, A.D. 1975.

/s/ Loren J. Strotz  
Clerk Appellate Court,  
Second District.

State of Illinois )  
Appellate Court ) ss.  
Second District )

Present—HON. THOMAS J. MORAN, Presiding Justice; Hon. WALTER DIXON, Justice; Hon. ALBERT E. HALLETT, Justice. LOREN J. STROTZ, Clerk—WILLIAM A. KLUSAK, Sheriff

People of the State of Illinois, Ex Rel. Ralph B. Thompson and Margaret E. Thompson and Ralph B. Thompson and Margaret E. Thompson, Individually,

*Appellant,*

73-435

v.

James H. Clark, County Collector, John Bowman, State's Attorney, Ray MacDonald, County Clerk, County Board of Tax Review, All of DuPage County, Illinois in the Matter of Judgment for Lots and Lands Delinquent in Payment of Taxes,

*Appellees.*

Appeal from the Circuit Court of DuPage County  
Trial Court No. C72-1074 Sub. 112

Copy

# MANDATE

BE IT REMEMBERED, that, to-wit: On the 3rd day of December, A.D. 1975, an Opinion of the aforementioned Court was entered of record and in accordance with the views expressed in the attached opinion the judgment of the trial court is affirmed.

In accordance with Supreme Court rule 368, this mandate is issued.

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Costs to be taxed in accordance with the law.

(Date)

---

CERTIFICATE

I, LOREN J. STROTZ, Clerk of the Appellate Court, Second District of the State of Illinois, and keeper of the records, files and Seal thereof, do hereby certify that the foregoing is a true copy of the final order of the said Appellate Court in the above entitled cause of record in my said office.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Court this ..... day of .....

Clerk Appellate Court,  
Second District

---

UNITED STATES OF AMERICA

State of Illinois,     )  
Appellate Court,    ) ss.  
Second District,    )

73-435

I, LOREN J. STROTZ, Clerk of the Appellate Court, in and for said Second Judicial District of the State of Illinois, and the keeper of the Records and Seal thereof, do hereby certify that the foregoing is a true, full and complete Copy of the unissued Mandate of this Court in Gen. No. 73-435—People, etc. ex rel. Ralph B. Thompson, et al. v. James H. Clark, County Collector, et al. etc. of the said Appellate Court in the above-entitled cause of record in my said office.

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IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the said Appellate Court, in Elgin, in said State, this 10th day of December, A.D. 1975.

/s/ *Loren J. Strotz*  
Clerk Appellate Court,  
Second District.

---

STATE OF ILLINOIS  
APPELLATE COURT SECOND DISTRICT  
ELGIN

(Seal)

60120

December 31, 1975

Mrs. Margaret E. Thompson  
Box 133  
Hinsdale, IL. 60521  
Office of the Clerk  
312-695-3750

Dear Mrs. Thompson:

We have filed your Affidavit of Intent to Appeal to the Supreme Court of Illinois in Gen. No. 73-435.

We are also in receipt of your letter to "Appellate Court of Illinois, Second District, Second Division", in which you relate many matters concerning the legal issues of your appeal in our case Gen. No. 73-435. We gather that in the body of this letter you are ordering the reproduction of the complete Appellate Court record. However, because we have had a misunderstanding in the past concerning the cost of an Appellate Court record, I would like

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to bring to your attention Chapter 37, Section 27; Chapter 53, Section 28 and Chapter 53, Section 31 of the Illinois Revised Statutes and point out that Chapter 53, Section 31, only applies to Circuit Court Clerks.

The Clerk of the Illinois Supreme Court has informed this office that it is not desirable to send the Appellate Court record to the Supreme Court at the time a petition for leave to appeal is filed in that court, but the petitioner should wait until the appeal is acted upon. You might wish to verify this with the Hon. Clell Woods, Clerk of the Supreme Court—(217-782-2035)

Because the reproduction of the entire Appellate Court record would come to, perhaps, an unnecessary expense to you, I would suggest, in the event you wish the record, that you inform us as to what papers you feel are necessary to be reproduced so we can spare you any needless expense. We are, therefore, returning you tendered check #899 in the amount of \$5.

Very truly yours,

/s/ *Loren J. Strotz*  
Loren J. Strotz, Clerk

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App. 27

IN THE EIGHTEENTH JUDICIAL CIRCUIT,  
DU PAGE COUNTY,  
WHEATON, ILLINOIS

People ex rel. Thompson

v.

Property Tax Appeal Board, et al.

No. C72-1074 sub. 112  
72-2952-G

ORDER

This cause coming on to be heard on Motion of Plaintiffs, and Margaret Thompson appearing pro se and Robert D. McLaren, Assistant State's Attorney, appearing on behalf of John J. Bowman, State's Attorney, the Board of Review and the Supervisor of Assessments, and the Court having heard arguments and being fully advised in the premises doth find:

1. The issues of law and fact in case 72-2952-G and C-72-1074 sub. 112 are not proper subjects of consolidation.
2. Notice of Appeal has been filed by Plaintiffs as of April 13th, 1973.
3. Judgment was entered on March 13, 1973 in Case C-72-1074- sub. 112.



WHEREFORE, it is hereby ordered and decreed that Plaintiff's motion for appointment of a special prosecutor be denied and further Plaintiff's motion for consolidation of cases C-72-1074 sub. 112 and 72-2952-G be and is hereby denied.

Dated: July 30, 1973.

/s/ George Unverzagt  
Judge

J. J. Bowman  
States Attorney  
240 E. Willow  
Wheaton, Illinois  
682-7050

Filed  
Jul 30 3 15 PM '73  
/s/ John W. Cockrell  
Clerk of 18th Judicial Circuit  
DuPage County Wheaton, Illinois

IN THE EIGHTEENTH JUDICIAL CIRCUIT,  
DU PAGE COUNTY,  
WHEATON, ILLINOIS

People ex rel. Margaret Thompson, et al.  
*Plaintiffs, Objectors,*  
v.

James Clark, County Collector, et al.,  
*Defendants.*  
No. C-72-1074 Sub. 112.

ORDER

This cause coming on to be heard this day on the Complaint of the Plaintiffs for trial on the merits and the Plaintiffs represented in open court by Margaret Thompson, pro se, and the Defendants represented in open court by William Murphy on behalf of School District #86, and Robert D. McLaren, Assistant State's Attorney on behalf

of James Clark, County Collector, John J. Bowman, State's Attorney, Ray McDonald, County Clerk, and the DuPage County Board of Review, and the Court having heard sworn testimony, and having admitted exhibits and having heard arguments on behalf of all parties; and being fully advised in the premises:

The Court doth find that it has jurisdiction of the parties and the subject matter, that due notice has been given to the parties herein, that no sufficient defense has been made, nor cause shown why judgment should not be entered against said property of Plaintiff for taxes due thereon;

Therefore, it is ordered and decreed that judgment be and is hereby entered against Plaintiff's property herein in favor of the People of the State of Illinois, for the sums annexed, being the amount of taxes due thereon.

Entered this tenth day of September, 1973, nunc pro tunc the second day of March, 1973.

/s/ George Unverzagt  
Judge

Book 726 Page 767

John Bowman  
State's Atty. for DuPage County  
240 E. Willow  
Wheaton, Ill.  
682-7050

P & D

Filed  
Sep 11 2 48 PM '73  
/s/ John W. Cockrell  
Clerk of the 18th Judicial Circuit  
Du Page County, Wheaton, Illinois

App. 30

Office of

JOHN J. BOWMAN  
State's Attorney  
DuPage County  
207 S. Reber Street  
Wheaton, Illinois 60187  
General Number 312-682-7050

February 13, 1976

Margaret E. Thompson  
Box 133  
Hinsdale, Illinois

Re: People ex rel. Thompson vs.  
Circuit Court, et al., In the Matter  
of the Application of Taxes.

Case No. C-71-604

Dear Mrs. Thompson:

Enclosed herein is a xerox copy of an Order entered to-day by Judge Charles R. Norgle continuing the above cause for a further hearing on your Motion to February 20, 1976.

Very truly yours,

/s/ Robert D. McLaren  
Robert D. McLaren  
Assistant State's Attorney

RDMc:elp  
Enc.  
Via Certified Mail  
Return Receipt Requested

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IN THE EIGHTEENTH JUDICIAL CIRCUIT,  
DU PAGE COUNTY,  
WHEATON, ILLINOIS

People ex rel. Thompson,

v.

Circuit Court et al. AKA In the Matter of the  
Application of Taxes

No C-71-604

ORDER

This cause coming on to be heard and the plaintiff Thompson having failed to appear pursuant to an order of court for a continuation until 2:00 p.m. of the 13th of Feb., 1976 this cause be and is hereby continued until 2-20-76 at 10:00 a.m. for further hearing on the motion of Ms. Thompson without further notice to the parties.

Dated: Feb. 13, 1976.

.....  
Judge

J. J. Bowman  
207 S. Reber  
Wheaton, Ill.  
682-7050

Box 133  
Hinsdale, IL 60521  
March 2, 1976

Hon. Clell Woods, Clerk  
Illinois Supreme Court  
Springfield, Illinois 62706

Dear Mr. Woods:

I would like to notify the court that I will be out of town until March 14, 1976.

Further for my own safety, I am sending to you a copy of my letter of February 19, 1976, to Associate Judge, Charles Norgle, giving him 10 days to put the records back to their January 26, 1976 condition. This would be case number 46352, 44360, 43928 in the Illinois Supreme Court. Up until January 26, 1976, the circuit court records brought into court consisted of my motion to reinstate the case, my complaint for about nine million in partial damages and a perpetual injunction against further harassment and intimidation, the pleadings between me and Chief Judge George Unverzagt on his disqualifying himself as chief judge, a motion to dismiss my complaint, my motion for a transfer to the federal district court, the state's attorney's motion to deny my motion and my motion to strike and dismiss the state's attorneys motion, with court orders, on January 26, 1976 I asked for the rest of the court records as evidence.

On February 13, 1976 I tried to present a motion for the records, only to find that the records before the court now consisted of parts of the records in the above appeals and original actions including both appellate court mandates in Appellate Court numbers 70-220, and 72-73.

It was a very ugly scene. The court has not taken jurisdiction nor reinstated the case, or so the judge claims. I consider the alteration of the record and the threat by the judge if I did specify individual documents that I would have to pay for reproductions an outrageous injury to me. To this date I have not heard from the judge. The mental strain is to great, I must get away for a few days to regain my perspective. I may file a motion for leave to file an original action in this court when I return, but, right now I just do not know.

I call to your attention that this is not the first time that the record has been altered, as shown in case number 48236 excerpts, R. C. 3, Par. 8, you might say that the question of alteration of the trial court records has already been adjudicated.

I am afraid to go back to the circuit court in Wheaton. All of these people are fighting with each other. The chief judge has disqualified himself as to me and there is no standing chief judge, the collector is suing the state's attorney and members of the county board, there is a special prosecutor conducting a grand jury investigation of the collector, etcetra, etcetra. And, I am caught in the middle. Thank you for listening. I feel better that someone knows besides the state's attorney.

Thank you,

Margaret E. Thompson

---

Box 133

Hinsdale, IL 60521

February 19, 1976

Hon. Charles Norgle Sr., Associate Judge  
Circuit Court of the 18th Judicial District  
201 Reber Street  
Wheaton, IL 60187

Dear Judge Norgle:

IN RE: C 71-604

I received notice late on February 18, 1976 that you had continued the above case to 10:00 A.M. Friday, February 20, 1976, having learned earlier in the day by telephoning the Circuit Clerk.



It seems to me that we have reached an impasse in the case Judge. On January 26, 1976 when I alleged that I needed records for evidence, I did not consider it unreasonable that you should ask that the records be specified. But, I did consider it unreasonable that you intended to censor the documents before they came into Court.

At that time my Motion to strike the State's Attorney's pleading was not in the record, or so the State's Attorney testified and I gave you a copy. I did not look at the record but from a distance it appeared to be the same record that had been brought into court every time since October 2, 1975 and consisted of pleadings filed since September 26, 1975. I do not know if the State's Attorney's Motion to deny my motion to transfer the case was in that record.

On January 30, 1976 the record was in your chambers and I did not see it although I asked the Clerk.

On February 13, 1976 the record was completely altered containing many of the documents that I had suggested on January 26, 1976 that I would need as evidence, now filed as though they were pleadings before the court. Further the Court refused to rule on the altered records; was very abusive to me about being affluent and purchasing reproductions, when the Circuit Clerk has \$18.00 of my money for reproductions that he refused to certify as true and correct; 31.00 of my money for other reproductions that are not certified as true and correct and \$42.00 of my money for filing a tax objection that I asked to have filed as a complaint. The tax objection pursuant to my receipt from the circuit clerk is C 71 604 sub 191 it has no caption. Mr. Cockrell should have all of the reproductions that I have paid for. Now where are they?

I do not intend to come back under the circumstances. The State's Attorney filed his motion to deny my motion to transfer in a case that was not before the court. It was not fastened in the file on February 13, 1976. There is no People ex rel. Thompson v. Circuit Court, Sub 190. The record has been jazzed up to support the State's Attorney's motion.

I will give you ten days judge to make the Circuit Clerk put the record back the way it was on January 26, 1976 and to send me, at his expense, a certified, itemized index of what the record contains. Date of entry, date of filing, document title. And you must apologize to me for your behavior. Otherwise I will seek relief where I can elsewhere.

/s/ Margaret E. Thompson

CC: States Atty.

---

(Letterhead of Office of Clerk Of The Supreme Court  
Springfield)  
April 9, 1976

Mrs. Margaret E. Thompson  
P. O. Box 133  
Hinsdale, Illinois 60521

In re: People ex rel. Ralph B. Thompson, et al.,  
etc., petitioners, vs. James H. Clark,  
County Collector, et al., etc., respondents.  
No. 48236

Dear Mrs. Thompson:

This office has today received and filed your notice, motion and order entered by Justice Howard C. Ryan, ordering that the mandate of this Court be stayed pending final determination of an appeal to the United States Supreme Court concerning the above entitled cause.

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Since the statutory fee for a certified copy of the final order is \$1.00, we are returning your check No. 968 in the amount of \$5.00. A certified copy of such final order will be forwarded to you on April 16, 1976, this being twenty-one days from the date the petition was denied.

Very truly yours,

/s/ *Clell L. Woods*

Clerk of the Supreme Court

CLW:gn

cc—Hon. John J. Bowman

State's Attorney

DuPage County

Your prompt attention is appreciated.

Thank you,

/s/ *Margaret E. Thompson*

(Letterhead of Office of Clerk Of The Supreme Court  
Springfield)

April 22, 1976

Mrs. Margaret E. Thompson

P. O. Box 133

Hinsdale, Illinois 60521

In re: People ex rel. Ralph B. Thompson, et al.,  
etc., petitioners, vs. James H. Clark,  
County Collector, et al., etc., respondents.  
No. 48236

Dear Mrs. Thompson:

Since the mandate of this Court has been stayed, upon your motion for stay of mandate pending final determination of an appeal to the United States Supreme Court,

App. 37

this office would be unable to furnish you with a certified copy of the final order. However, we enclose an uncertified copy, for which there is no charge. We are returning your check No. 980, in the amount of \$1.00.

Very truly yours,

/s/ *Clell L. Woods*

Clerk of the Supreme Court

CLW:gn

ences

(Letterhead of Office of Clerk of the Supreme Court  
Springfield)

April 30, 1976

Mrs. Margaret E. Thompson

P. O. Box 133

Hinsdale, Illinois 60521

In re: People ex rel. Ralph B. Thompson, et al.,  
etc., petitioners, vs. James H. Clark,  
County Collector, et al., etc., respondents.  
No. 48236

Dear Mrs. Thompson:

Our reluctance to furnish you with a certified copy of the mandate follows the procedure in this office prior to Mr. Taft's election as Clerk of the Supreme Court. Such procedure has been reinstated since I became Clerk and is designed to assure that, in those cases in which the mandate has been stayed, no certified mandate will accidentally or by design find its way into the lower court files.

A certified copy of the mandate is enclosed. The charge is \$1.00. The responsibility for this copy is wholly yours.

The balance of your charges and allegations do not merit reply.

Very truly yours,

/s/ Clell L. Woods  
Clerk of the Supreme Court

CLW:gn  
enc

---

UNITED STATES OF AMERICA

State of Illinois     )  
                              ) ss.  
Supreme Court     )

AT A TERM OF THE SUPREME COURT, begun and held in Springfield, on Monday, the eighth day of March in the year of our Lord, one thousand nine hundred and seventy-six, within and for the State of Illinois.

PRESENT: DANIEL P. WARD, CHIEF JUSTICE  
          JUSTICE WALTER V. SCHAEFER  
          JUSTICE THOMAS E. KLUCZYNSKI  
          JUSTICE HOWARD C. RYAN  
          JUSTICE ROBERT C. UNDERWOOD  
          JUSTICE JOSEPH H. GOLDENHERSH  
          JUSTICE CASWELL J. CREBS  
          WILLIAM J. SCOTT, ATTORNEY GENERAL  
          LOUIE F. DEAN, MARSHAL  
          ATTEST: CLELL L. WOODS, CLERK

BE IT REMEMBERED, that, to-wit: on the 25th day of March 1976, the same being one of the days of the term of Court aforesaid, the following proceedings were, by said Court, had and entered of record, to-wit:

People ex rel., Ralph B. Thompson and Margaret E. Thompson and Ralph B. Thompson and Margaret E. Thompson, individually,

*Petitioners,*

No. 48236

vs.

James H. Clark, County Collector, John Bowman, State's Attorney, Ray MacDonald, County Clerk, County Board of Tax Review, All In DuPage County, Illinois, In The Matter of Judgment for Lots and Lands Delinquent in Payment of Taxes,

*Respondents.*

Petition for Leave to Appeal from  
Appellate Court, Second District

73-435

C72-1074

And now on this day the Court having duly considered the Petition for Leave to Appeal herein and being now fully advised of and concerning the premises, doth overrule the prayer of the petition and denies Leave to Appeal herein.

I, Clell L. Woods, Clerk of the Supreme Court of the State of Illinois and keeper of the records, files and Seal thereof, do hereby certify that the foregoing is a true copy of the final order of the said Supreme Court in the above entitled cause of record in my office.



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IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Court this 30th day of April, 1976.

(The embossed seal of the Illinois Supreme Court appears here)

/s/ *Clell L. Woods*  
Clerk,  
Supreme Court of the  
State of Illinois.

---

Box 133  
Hinsdale, Illinois 60521

---

May 8, 1976

Hon. Clell L. Woods, Clerk  
Illinois Supreme Court  
State of Illinois  
Springfield, Illinois 62706

In Re: People ex rel. Thompson, et al., etc., Petitioners, vs. James H. Clark, County Collector, et al., etc., Respondents.  
No. 48236

Dear Mr. Woods:

In answer to your letter of April 30, 1976, the "certified mandate" is totally unacceptable.

The letter is considered threatening, and I accept no responsibility for the document being in my possession.

If the final order of the court was not signed, sealed and dated before it was filed, the signature, seal and date cannot be supplied later, unless it were done *nunc pro tunc*, as of the correct date.

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On its face the document appears to be a mis-dated original, and again is substantially altered from whatever you have in the file. Are you telling me that a certified copy of a final judgment is an original mandate that could be filed below? . . . .

I suggest that the document that you have in your file is void; that what I have is an original; that if you ever do sign, seal and date the document in your file that there would be two originals, one of which would be a forgery. The court's original documents cannot be sold; I refuse to become a party to the action by paying for it. . . .

Should I not receive notice by May 12, 1976, that positive action has been taken to give relief and comply with Ch. 120 Sec. 718, Ill. Rev. Stat., I will seek instructions from the United States Supreme Court as to the legality of my using and reproducing the document.

It would give me a good feeling to know that the Illinois Courts were not going to self destruct but this does not mean that I will accept any action that has any appearance of another procedural maneuver.

Respectfully submitted,

/s/ *Margaret E. Thompson*  
Margaret E. Thompson,  
Petitioner

cc. Atty. Gen. Scott  
State's Atty. Bowman

App. 42

(Letterhead of Office of Clerk Of The Supreme Court  
Springfield)  
May 10, 1976

Ms. Margaret E. Thompson  
Box 133  
Hinsdale, Illinois 60521

In re: People ex rel. Thompson, et al., etc., vs.  
James H. Clark, County Collector, et al., etc.  
No. 48236

Dear Ms. Thompson:

I regret the confusion which has arisen in connection with your requests in this case. I fear much has been caused by the terms "mandate," "certified mandate" and "certified copy of the Court's final order." Also by your unawareness of the procedure followed by this office in these matters. Whether I will ever be able to explain them fully to you appears questionable.

Any order of this Court may, when appropriate, be stayed. If such act does occur the order is drafted by this office but it is not signed, sealed or dated at the bottom until it is issued. I tried in a previous letter to explain our reluctance to issue a certified copy of any order (mandate) which had been stayed. In this we were seeking to further protect your rights not to abuse them. May I assure you that the first uncertified copy of the order denying your petition for leave to appeal as well as the second certified copy we furnished you are accepted by the Supreme Court of the United States as evidencing the disposition of the case in this Court.

We find no problem with duplicate originals but assure you the original is in our files, though admittedly unsigned, unsealed and undated.

App. 43

The closing six paragraphs of your letter are matters more fittingly presented to the Supreme Court in an appropriate form and proceeding.

We have complied with your requests exactly as we would anyone else. Whether any further extended correspondence would be of benefit appears doubtful.

Very truly yours,

/s/ Clell L. Woods

Clerk of the Supreme Court

CLW/hc

---

Box 133  
Hinsdale, Illinois 60521  
May 15, 1976

Hon. Clell L. Woods, Clerk  
Illinois Supreme Court  
Springfield, Illinois 62706

In re: No. 48236

Dear Mr. Woods:

Any action of yours is an action of the Illinois Supreme Court. When actions are taken outside formal court proceedings that affect my private rights and privileges, I am denied equal protection and due process of law.

A duplicate original is a carbon copy and is certainly not what I have. . . .

Lastly, I am quite aware that you find no problem with duplicate originals, and enclose a copy of one such for an explanation from you. What happened to the mandate issued by Justin Taft on December 30, 1974?

Thank you,

/s/ Margaret Thompson

cc. Scott & Bowman

---

App. 44

(Letterhead of State Of Illinois Appellate Court  
Second District—Elgin)

May 17, 1976

Ms. Margaret Thompson  
Box 133  
Hinsdale, IL. 60521

Re: Gen. No. 72-73—People, ex rel. James H. Clerk,  
etc. v. Ralph Thompson, et al.  
Gen. No. 72-376—People ex rel. Margaret E.  
Thompson v. County Board of School Trustees,  
etc., et al.  
Gen. No. 73-377—People, ex rel. Ralph B.  
Thompson, et al. v. Property Tax Appeal  
Board, etc. et al.

Dear Ms. Thompson:

The mandates forwarded you under date of May 7, 1976 are the identical reproductions, by Xerox process, of the mandates received from the office of the Supreme Court in the respective cases and attested to by the Supreme Court Clerk's certificate at the bottom of each such document.

The documents in this office bear the Seal of the Supreme Court embossed thereon and so noted by the typewritten word "Seal" in lieu thereof on the copies sent you.

It will be noted that in Gen. No. 72-73 (C71-604) that a mandate was issued by Justin Taft, the Clerk of the Supreme Court, under date of February 22, 1974 on the order of Court entered on January 30, 1974. This mandate was later recalled, per copy of said order of Justice Charles H. Davis herewith enclosed. Mandate of the Supreme Court was later issued under date of July 28, 1975. The later mandate appears to be identical in effect to the previously recalled final order. Thereafter, the mandate of this court issued.

App. 45

We have retained in our files copies of the Supreme Court mandates recently sent you and said copies all contain the clerk's certificate on the face thereof, at the bottom of the page.

Very truly yours,

/s/ Loren J. Strotz

Loren J. Strotz, Clerk

cs

No. 46352

PEOPLE EX REL. JAMES H. CLARK, COUNTY  
TREASURER, ETC.,

Respondent,

vs.

RALPH B. THOMPSON, et al.,

Petitioners.

Appeal from the Appellate Court,  
Second District  
No. 72-73.

Copy

ORDER

(Filed March 4, 1974)

Motion has been filed to recall and stay the Mandate of this Court issued on February 22, 1974, and upon consideration of said motion,

IT IS ORDERED that the Mandate of this Court be recalled and stayed until the pending motion for reconsideration of denial of Petition for Leave to Appeal is acted upon by this Court.

/s/ Charles H. Davis

Judge, Illinois Supreme Court

Entered: March 1, 1974.

Assigned to Third District.]



App. 46

(Letterhead of Office of Clerk of The Supreme Court  
Springfield)

May 17, 1976

Mrs. Margaret E. Thompson  
Box 133  
Hinsdale, Illinois 60521

In re: People ex rel. Ralph B. Thompson, et al., etc.,  
petitioners, vs. James H. Clark, County  
Collector, et al., etc., respondents  
No. 48236

Dear Mrs. Thompson:

In accordance with your request the transcript of record of this Court concerning the above entitled cause is enclosed.

I am returning your check No. 988 in the amount of \$5.00, as the cost of preparing said record is \$2.15. Will you please forward your check in the amount of \$2.15.

Very truly yours,

/s/ *Clell L. Woods*  
Clerk of the Supreme Court

CLW:cr

Encs.

Check No. 988

---

App. 47

UNITED STATES OF AMERICA

State of Illinois     )  
                              ) ss.  
Supreme Court     )

AT A TERM OF THE SUPREME COURT, begun and held in Springfield, on Monday, the eighth day of March in the year of our Lord, one thousand nine hundred and seventy-six, within and for the State of Illinois.

PRESENT: DANIEL P. WARD, CHIEF JUSTICE  
          JUSTICE WALTER V. SCHAEFER  
          JUSTICE THOMAS E. KLUCZYNSKI  
          JUSTICE HOWARD C. RYAN  
          JUSTICE ROBERT C. UNDERWOOD  
          JUSTICE JOSEPH H. GOLDENHERSH  
          JUSTICE CASWELL J. CREBS  
WILLIAM J. SCOTT, ATTORNEY GENERAL  
          LOUIE F. DEAN, MARSHAL  
ATTEST: CLELL L. WOODS, CLERK

BE IT REMEMBERED, that, to-wit: on the 25th day of March 1976, the same being one of the days of the term of Court aforesaid, the following proceedings were, by said Court, had and entered of record, to-wit:

People ex rel. Ralph B. Thompson and Margaret E. Thompson and Ralph B. Thompson and Margaret E. Thompson, individually,

Petitioners,

No. 48236 vs.

James H. Clark, County Collector, John Bowman, State's Attorney, Ray MacDonald, County Clerk, County Board of Tax Review, All In DuPage County, Illinois, In The Matter of Judgment for Lots and Lands Delinquent in Payment of Taxes,

### Respondents.

Petition for Leave to Appeal from  
Appellate Court, Second District

73-435  
C72-1074

And now on this day the Court having duly considered the Petition for Leave to Appeal herein and being now fully advised of and concerning the premises, doth overrule the prayer of the petition and denies Leave to Appeal herein.

I, Clell L. Woods, Clerk of the Supreme Court of the State of Illinois and keeper of the records, files and Seal thereof, do hereby certify that the foregoing is a true copy of the final order of the said Supreme Court in the above entitled cause of record in my office.

IN WITNESS WHEREOF, I have hereunto subscribed  
my name and affixed the Seal of said Court this ..... day  
of ....., 19....

Clerk,  
Supreme Court of the  
State of Illinois.

## UNITED STATES OF AMERICA

State of Illinois     )  
                              ) ss.  
Supreme Court     )

I, Clell L. Woods, Clerk of the Supreme Court of the State of Illinois, and keeper of the records, files and Seal thereof, do hereby certify the foregoing to be a true copy of the record of this Court in a certain cause entitled:

People ex rel. Ralph B. Thompson and Margaret E. Thompson and Ralph B. Thompson and Margaret E. Thompson, individually,

**Petitioners,**

No. 48236 vs.

James H. Clark, County Collector, John Bowman, State's Attorney, Ray MacDonald, County Clerk, County Board of Tax Review, All In DuPage County, Illinois, In The Matter of Judgment for Lots and Lands Delinquent in Payment of Taxes,

### Respondents.

Petition for Leave to Appeal from  
Appellate Court, Second District

73-435  
C72-1074

filed in this office on the 28th day of January, A.D. 1976.

In Witness Whereof, I have hereunto subscribed my name and affixed the Seal of said court this 17th day of May, 1976.

/s/ Clell L. Woods

Clerk, Supreme Court of the  
State of Illinois

(Letterhead of Office of Clerk Of The Supreme Court  
Springfield)

cc—Hon. John J. Bowman  
State's Attorney  
DuPage County

/s/ *Robert M. Haenisch*  
Clerk of the Eighteenth  
Judicial Circuit, County  
Division DuPage County,  
Illinois



**APPENDIX B**

STATE OF ILLINOIS       )  
                                   ) SS.  
 COUNTY OF DU PAGE     )

IN THE CIRCUIT COURT OF THE 18TH  
 JUDICIAL CIRCUIT  
 DU PAGE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS ON THE  
 RELATION OF MARGARET E. THOMPSON ON  
 BEHALF OF HERSELF, CITIZEN, RESIDENT AND  
 TAXPAYER OF DU PAGE COUNTY AND THE  
 STATE OF ILLINOIS,

Relator-Petitioner and Plaintiff,

vs.

CIRCUIT COURT OF THE 18TH JUDICIAL CIRCUIT,  
 JOHN COCKRELL CLERK, GEORGE UNVERZAGT,  
 JUDGE, JOHN BOWMAN, STATE'S ATTORNEY,  
 DU PAGE COUNTY, JAMES H. CLARK, COLLECTOR  
 AND RAY MAC DONALD CLERK OF DU PAGE  
 COUNTY, GEORGE RUDOLPH, RECORDER DU  
 PAGE COUNTY, BOARD OF REVIEW OF DU PAGE  
 COUNTY, A BODY POLITIC, IN THE MATTER OF  
 SALE OF LOTS AND LANDS DELINQUENT IN THE  
 PAYMENT OF TAXES AFFECTING THE TAXES  
 OF: THE COUNTY OF DU PAGE, DU PAGE FOREST  
 PRESERVE DISTRICT, TOWN OF YORK, VILLAGE  
 OF OAK BROOK, OAK BROOK PARK DISTRICT,  
 SCHOOL DISTRICTS 86, 53 and 502, and Parties Un-  
 known,

Respondents and Defendants.

County Division

No. C 71-604

(Nos. C-68-859-469; C-68-859-470; C-69-484-98;  
 C-69-484-99; C-70-695-51; C-71-604-189)

**COMPLAINT AND 1ST AMENDED OBJECTIONS****COUNT I**

The People of the State of Illinois, on the relation of Margaret E. Thompson, with the consent of the People pursuant to Ch. 120, Sec. 804, Ill. Rev. Stat. and on behalf of herself, complaining of defendants and for a cause of action alleges as follows and objects:

1. This is an action brought with the consent of the People of the State of Illinois by Margaret E. Thompson, on behalf of the People of the State of Illinois and on her own behalf as citizen resident and taxpayer, who owns land in the County of DuPage and State of Illinois subject to assessment, equalization and taxation.

2. That the Plaintiff, together with her husband, who hold real property in joint tenancy have paid the taxes assessed against said real property under protest, and properly filed objections for the years 1967, 1968, 1969, 1970 and subsequent years which have not been properly and finally adjudicated by the Circuit Court of the 18th Judicial Circuit as shown by the records on file in the office of the Clerk.

3. That all cases have been appealed to the Appellate Court of Illinois and been dismissed by that Court and mandates of the Appellate Court filed in the Circuit Court wherein the cases should continue as if no appeal were taken.

4. That in all cases orders have been entered by the State's Attorney either on his own motion or on the motion of the collector, without due notice to Plaintiff.

5. That at all times pertinent hereto the Circuit Court of the 18th Judicial Circuit, DuPage County, Illinois was the duly constituted Court of proper original jurisdiction

and Judge George Unverzagt or his predecessor the duly elected or appointed presiding Judge and John Cockrell or his predecessor the duly elected or appointed Clerk; John Bowman or his predecessor was the duly appointed or elected State's Attorney for DuPage County; James H. Clark or his predecessor the duly elected or appointed Collector Ex-Officio for DuPage County; May MacDonald the duly elected Clerk for DuPage County; Board of Review duly appointed and acting as a body politic; George Rudolph or his predecessor the duly elected recorder for DuPage County; and the taxing districts whose taxes are affected were, Count of DuPage, DuPage Forest Preserve District, Town of York, Village of Oak Brook, Oak Brook Park District, School Districts 502, 86 and 53, and parties Unknown.

6. That the applicable Federal and Illinois Constitutions and the laws of the State of Illinois in effect for all, or any of the years in question established the principle of uniformity of taxation for all classes of real and personal property and required the respondents, set forth in paragraph five (5) above to assess, equalize all property subject to taxation uniformly at 100% of its full fair cash value or in the alternative to assess and equalize all property subject to taxation in the County of DuPage and State of Illinois uniformly at the same per centum of full, fair cash value; to extend the taxes on said assessment uniformly as to rate; to collect and pay over said taxes in full to said taxing districts set forth in paragraph five (5) above; to apply for judgment for sale of delinquent lands and judgment to determine the correct amount of tax paid under protest; uniformly etc., as proxided in the Revenue Act, Ch. 120, Section 482, et seq., Ill. Rev. Stat., Illinois Constitution of 1870, Art. 9 Section 1, Illinois Constitution of 1970, Art. 9, Sec. 4, and the Four-

teenth Amendment to the Federal Constitution without discriminatory treatment of any person or property and that an intentional valuation and equalization of different classes of taxable property at different percentum of full, fair cash value; an intentional excessive deduction by the collector; an intentional evasion of the provision of the Revenue Act is unlawful and subjects the above officers and taxing districts and Parties Unknown to penalty.

7. That Section 804 of the Revenue Act (Ch. 120, Sec. 804, Ill. Rev. Stat.) provides that every county clerk, assessor, collector or other officer who shall in any case refuse or knowingly neglect to perform any duty enjoined upon him by the Revenue Act, or who shall consent to or connive at any evasion of its provisions whereby any proceeding required by the Act shall be prevented or hindered or whereby any property is entered upon the tax rolls at less than its full, fair cash value shall be liable for double the amount of the loss or damage caused thereby and may be removed from their offices by any court having jurisdiction on complaint of any person in the name of the People of the State of Illinois.

8. That the records of the Circuit Court will show that from the 1967 tax year through the 1970 tax year, and subsequent years, it was, and still is the practice of the Circuit Court through its Clerk, John Cockrell and his predecessor, Judge George Unverzagt, and his predecessor, to consent with and connive at an evasion of the proceedings required by the Revenue Act with the respondent County Collector, County Clerk and County State's Attorney preventing the proper adjudication of the required application of the Collector for Sale of Lots and Lands Delinquent in the Payment of Taxes and determination of the correct amount of tax paid under protest causing permanent, irreparable and continuing damages to



Plaintiff, her family and property and tremendous losses to the People of the State of Illinois, the citizens, residents and taxpayers of DuPage County and the tax levying units in that:

(1) The Court consented to the Clerk of the Court transferring the case numbers together with the index number or real estate index number and legal description of lots and lands where taxes have been paid under protest and objections filed to the Collector, whereby the collector transcribes the case number into his warrant books and avoids and evades making and filing a written application for judgment of Sale on delinquent lands and judgment for determination of correct amount of tax paid under protest, or, accounting for amount of delinquent tax or amount of tax paid under protest or the distribution of same through the Court completely obstructing the judicial process.

(2) The County Clerk fails and refuses to notify the taxing districts.

(3) The Collector refuses to transcribe the tax into the Court case.

(4) The State's Attorney enters orders refunding taxes on illegal rates to some taxpayers and not to others and the County Clerk continues to extend the illegal rates year after year.

(5) The Collector accumulated an excessive amount of taxes paid under protest, deducting a fee of 3% instead of 1% allowed.

(6) The recorder of deeds continues to record deeds on real property with metes and bounds legal descriptions without proper platting.

(7) That the respondents have consented to and connived at the discriminatory practices against Plaintiff in court procedures.

(8) That respondents have consented to and connived at an intentional valuation of Plaintiff's property at a higher per centum of full, fair cash value than other properties.

(9) That respondents have repeatedly included Plaintiff's property in legal descriptions of other properties on the assessment rolls permitting criminal trespass, extreme hardship and damages to Plaintiff.

(10) That the defendants have knowingly consented to and connived at evading the procedures required by the Revenue Act and have acted fraudulently with intent to compel Plaintiff to bear more than her just share of taxes; with intent to take Plaintiff's property without just compensation or due process of law and have done so deliberately, intentionally, fraudulently and not by inadvertence, mistake or incompetence and have conducted court in a discriminatory manner not only denying her the judicial process but permanently injuring her and damaging her property by the policies and practices described above.

9. That the above practices complained of have resulted in actual damages to plaintiff and her property in excess of an estimated \$500,000; exemplary damages in excess of an estimated 4,000,000 dollars for the tax years in question to Plaintiff, and an undetermined but calculable loss to Plaintiffs taxing districts; that as a result of the deliberate conniving to avoid and evade the provisions of the Revenue Act by the practices complained of Plaintiffs have been denied due process of law and access to the courts; have had their property encumbered with



laws that impair the obligations of contract, leaving the property unmarketable for the use for which it is being taxed; have had their environment destroyed; have been belittled, intimidated, threatened, insulted; have had their property placed in jeopardy of condemnation; have been forced to share an unproportionate share of the tax burden and that this damage is estimated to be in excess of \$4,500,000, and a loss in excess of \$12,000; that the injuries and threats are still continuing and that Section 804 of the Revenue Act, (Chap. 120, Sec. 804, Ill. Rev. Stat.) provides for double the amount of loss or damages caused by the acts complained of above or a total of \$9,000,000 in damages and \$24,000 in losses in the way of a partial compensation to Plaintiff; and a calculable but undetermined loss to the taxing districts.

10. That at no time has any taxing district in DuPage County, Illinois tried to recover losses caused by the deliberate underassessing of real properties in general; excess deductions by the collector or in anyway tried to defend the rates extended and held illegal, invalid and void by this court (Circuit Court of DuPage County) but have continued in the practices described above and that Section 804 of the Revenue Act, supra, provides that any court that has jurisdiction, may in its discretion, remove any county clerk, collector or other officer who knowingly neglected to perform any duties enjoined upon him by the Revenue Act whereby any property subject to taxation was entered upon the tax list at less than fair, cash value or where any proceeding required by the Act was knowingly prevented or hindered.

11. That in all tax objections and alleged applications of the collector for the year 1967 and subsequent in alleged case numbers C-68-859-470, C-69-48499, C170-695-51 and C-71-604 the Clerk of the Circuit Court has at all

times failed and refused to assess the proper filing fees, giving the case numbers to the collector without the collector filing any pleading and transferring the cases to be transcribed onto the collectors warrant books calling into question the validity of this court's jurisdiction and the validity of actions taken by this court not only as to tax objections but also as to sales of delinquent lands where no taxes were paid and certificate of error. That until filing fees are paid cases are not legally filed.

12. That this court ruled that it did have jurisdiction in case numbers C-70-695, C-69-484, C-68-859 while Plaintiff had them on appeal and dismissed them on May 20, 1971, nunc pro tunc from May 17, 1971, for lack of jurisdiction, as the court records will show without due notice to Plaintiff and after the Court had ordered the cases consolidated and set a date for a hearing so that when the mandate of the Appellate Court was filed in the Circuit Court on November 19, 1971 this court ruled that it lacked jurisdiction to continue the cases on November 22, 1971 even though the collector was still withholding Plaintiff's tax money; and on February ....., 1972 this court ruled the opposite; that it did not have jurisdiction while the case was on appeal but in May of 1972 this court did assume jurisdiction and entered further orders contrary to the court's ruling that the application of the collector could not be continued or stayed on November 22, 1971. Now, that the Appellate Court's mandate has again been filed in this court, plaintiff has no way of knowing what to expect; the State's Attorney has not tried to reinstate the case making it necessary for the Circuit Court to determine just what its jurisdiction is.

13. That the Plaintiff is tendering to the Clerk of the Circuit Court herewith the sum of forty-two (42.00) dollars as the filing fee for this complaint which is the

only pleading filed as a petitioner or plaintiff, Plaintiff's prior pleadings all being in the nature of trying to get the defendants to perform the duties enjoined upon them by the Revenue Act other than C-72-1074 now on appeal in the Appellate Court wherein no filing fee was paid, in order that this court can determine which court has jurisdiction of this case.

14. That the above practices complained of are a violation of Plaintiff's right under color of state law contrary to the 14th amendment to the United States Constitution and a violation of the Acts of Congress made pursuant thereto wherein the federal district court has original and exclusive jurisdiction.

15. That Plaintiff objector is entitled to a refund of all taxes paid for the tax years 1967 through 1974 and subsequent years, or in the alternative, retains the right to make further objections to those already made and filed and amended on April 30, 1971.

Wherefore, plaintiffs pray as follows:

1. For a determination of which court has proper jurisdiction.
2. For a judgment in the amount of \$9,024,000 or such other sum as might be finally determined by the proper court against the defendants jointly.
3. For a judgment in the amount of loss determined by the proper court against the defendants jointly; that said sum be paid into this court to be redistributed to the various taxing bodies for each tax year since 1967 on a pro-rata basis, based upon the tax rate for each taxing body in DuPage County for each tax year or in the alternative redistributed to the taxpayers.

4. For a judgment restoring all lots and lands sold for the collection of unpaid taxes which this court has held illegal for each tax year since 1967 to the rightful owner or in the alternative make restitution.

5. That the defendants and each of them be removed from office.

6. For such other and further relief as the court may deem necessary or proper and for costs of this suit, including reasonable attorney's fees.

## COUNT II

Now come the petitioner, Margaret E. Thompson, pursuant to the Mandamus Act (Ch. 87, Secs. 1 et seq.) and petitions this Honorable Court to issue a Writ of Mandamus compelling the respondent, John Bowman, the DuPage County State's Attorney to perform certain duties, alleging as follows:

1. That the petitioner Margaret E. Thompson is a resident, citizen and taxpayer residing in the County of DuPage.
2. That John Bowman is the duly elected and acting State's Attorney of DuPage County.
3. That at all times pertinent hereto it was, and still is, the duty of the respondent as State's Attorney, or his predecessor, under the Illinois Revenue Act (Ch. 120, Sec. 807, Ill. Rev. Stat.) to prosecute all violations of the Revenue Act.
4. That it was and is the duty of the defendant County Clerk, Ray MacDonald, under the Illinois Revenue Act (Ch. 120, Secs. 517 and 318, Ill. Rev. Stat.) to notify owners who have divided parcels of land which require metes and bounds legal descriptions to cause the land to be



surveyed and platted pursuant to the Plat Act and if the owner reverses or neglects the county clerk has the duty to cause a survey to be made in accordance with the Plat Act and to cause the lots to be placed on the assessors books in lieu of the acreage yet the County Clerk has failed and refused to comply with the forementioned provisions.

5. That it was and still is the duty of the defendant DuPage County Board of Review under Section 589 of the Revenue Act to hear and determine complaints on assessments or determine on its own motion that all properties are assessed at the same percentum of fair cash value, yet the DuPage County Board of Review for the tax years in question classified properties making variable per centums of full, fair cash value and issuing certificates of error in errors of judgment as to valuation in lieu of hearing complaints which certificates of error are filed by the County Clerk with the Clerk of this court and are predetermined de facto tax objections wherein the tax is collected or paid.

6. That it was and still is the duty of the County Collector, James H. Clark, or his predecessor, for the tax years 1967 through 1974 to collect and distribute the taxes chargeable to him or to receive credit through the court on judgment for sale of lands and lots where taxes are unpaid and judgment to determine the correct amount where taxes are paid under protest pursuant to the procedures set forth in the Revenue Act and to account for the proper amount of tax chargeable to him yet, James H. Clark, and his predecessor with the cooperation of the State's Attorney, the Circuit Court of the 18th Judicial Circuit, its Clerk and Judges, the County Clerk and Board of Review failed to comply with the provisions of the Revenue Act, and did in fact obstruct a hearing on Peti-

tioners consolidated 1967, 1968 and 1969 tax objections as consolidated by the Circuit Court and failed and refused to prepare for the courts examination the lists of delinquent taxes and taxes paid under protest for the 1970 tax year.

7. That the Petitioner has demanded of the Respondent State's Attorney that he prosecute the DuPage County Collector, the DuPage County Board of Review, the DuPage County Clerk and the Clerk of the Circuit Court as well as asking the Court to appoint a special prosecutor under section 804, supra under which the court has authority as well as Sections 803 and 805, and 806 but the respondent Circuit Court has refused to appoint a special prosecutor and the respondent State's Attorney has refused and still refuses to commence prosecution.

Wherefore petitioner prays that there may issue against the respondent, State's Attorney, a Writ of Mandamus, returnable within fourteen days (14) compelling the respondent to commence prosecution of the DuPage County Collector and the members of the Board of Review and the County Clerk of DuPage County and the Clerk of the Circuit Court of DuPage County and parties unknown under the Illinois Revenue Act Ch. 120 Secs. 803, 804 and 805, and 806 or to show cause why he should not do so.

### COUNT III

The Plaintiff, Margaret E. Thompson, petitions this court to issue a Writ of injunction and for an alterative cause of action, alleges as follows:

1. That plaintiff repeats and realleges the allegations of paragraphs one (1) through fourteen (14) of count I above.



2. That this is a proceeding for a mandatory injunction pursuant to Chapter 22, Secs. 1 et seq.

Wherefore the plaintiff prays that this court issue a mandatory injunction directing the defendants to remove the encumbrances caused by violations of the Revenue Act from her property by proper platting, assessing, levying and extending taxes; and, for the proper collection, distribution and accounting for taxes.

Plaintiff further prays for a permanent and perpetual injunction against the State of Illinois its agencies and political subdivisions now or hereafter created for ever again trying to take plaintiff's real property by the right of eminent domain or otherwise without her consent, the consent of her heirs and assigns, including the rights that pertain to the property such as, but not limited to, the right to the water on and under the land; that plaintiff have her costs and disbursements necessarily incurred herein, including reasonable attorney's fees and for such other and further relief as to this court may seem just and equitable.

/s/ *Margaret E. Thompson*  
Margaret E. Thompson  
Plaintiff-Petitioner  
Box 133  
Hinsdale, Ill. 60521  
323-3381

IN THE CIRCUIT COURT OF THE  
18TH JUDICIAL COURT  
DU PAGE COUNTY, ILLINOIS

IN THE MATTER OF THE APPLICATION OF  
JAMES H. CLARK, COUNTY COLLECTOR, FOR  
JUDGMENT AGAINST DELINQUENT LANDS AND  
LOTS FOR TAXES, SPECIAL ASSESSMENTS, SPECIAL TAXES, COSTS AND INTEREST DUE AND UNPAID THEREON

COUNTY DIVISION

NO. C-71-604

NOTICE OF MOTION TO SET A DATE FOR THE  
CASE TO CONTINUE

TO: State's Attorney's Office, DuPage County, Wheaton,  
Ill. 60187

YOU ARE HEREBY NOTIFIED that on Thursday, the 2nd, of October, 1975, at 9:30 A.M., or as soon thereafter as I may be heard, I shall appear before the Honorable George W. Unverzagt, judge, or any judge sitting in his stead, in the Courtroom usually occupied by him in the County Courthouse, Wheaton, Illinois, and then and there present a Motion To Set a Date to Continue the Above numbered cause pursuant to Rules, a copy of which is herewith served upon you.

/s/ *Margaret E. Thompson*  
Margaret E. Thompson,  
Complainant  
Box 133  
Hinsdale, Ill. 60521  
323-3381

## PROOF OF SERVICE

STATE OF ILLINOIS )  
                                   ) ss.  
 COUNTY OF DU PAGE )

Margaret E. Thompson, being first duly sworn on oath, deposes and says that she served a copy of the above Notice and attached Motion upon the party to whom it is directed by depositing in the United States Post Office, Hinsdale, Ill. 60521, postage prepaid on the 22nd day of September, 1975.

Subscribed and sworn to before me this 22nd day of September, 1975.

Notary Public

IN THE CIRCUIT COURT OF THE  
 18TH JUDICIAL CIRCUIT  
 DU PAGE COUNTY, ILLINOIS

IN THE MATTER OF THE APPLICATION OF  
 JAMES H. CLARK COUNTY COLLECTOR, FOR  
 JUDGMENT AGAINST DELINQUENT LANDS AND  
 LOTS FOR TAXES, SPECIAL ASSESSMENTS, SPECIAL  
 TAXES, COSTS AND INTEREST DUE AND  
 UNPAID THEREON

COUNTY DIVISION  
 NO. C-71-604  
 MOTION TO SET A DATE FOR THE CASE TO  
 CONTINUE PURSUANT TO SUPREME COURT  
 RULE 369(b)

Now comes Margaret E. Thompson one of the complainants and objectors in the above captioned and numbered case and move this Court to set a date to continue the above case and to hear and determine the issues as to the Courts jurisdiction. In support thereof complainant says as follows:

1. That the appeal in the above case was dismissed by the Appellate Court, the Mandate has now been filed in this Court wherein pursuant to Rule 369(b) of the Illinois Supreme Court the case is to continue as though no appeal had been taken.

2. That Objectors have a Motion before the Court to correct the defects in the record or in the alternative the County Collector (County Treasurer-Ex Officio Collector) show cause why his office should not be declared vacant, and that, contrary to the order of this Court that the records should remain unchanged, further action has been taken and the alleged application of the collector has been continued necessitating further allegations of defects and errors and a determination by this Court of its jurisdiction.

3. That the United States Supreme Court has made no ruling on the merit of either this case or objectors prior cases, which have not been properly and finally disposed of by this Court.

4. That this Court has never heard and determined its jurisdiction as shown by the records of this Court, nor has heard and determined correct procedures under the Revenue Act.

Wherefore complainant prays that this Court set a date for the case to continue and further prays that the Court set a date to hear and determine its jurisdiction and the correct procedures under the Revenue Act, Ch. 120, Sec. 481 it seq.

/s/ Margaret E. Thompson  
 Margaret E. Thompson  
 Complainant and Objector  
 Box 133  
 Hinsdale, Ill. 60521  
 323-3381

## AFFIDAVIT

Margaret E. Thompson, being first duly sworn on oath, deposes and says as follows:

1. That she is a citizen, resident and taxpayer in the above numbered cause in this Court.
2. That the Mandate of the Appellate Court was filed in this Court dismissing the appeal on or about July 31st, 1975.
3. That two orders were entered in this Court on November 22, 1971, both of which affiant objected to on the grounds that the collector did not bring the lists of delinquent taxes and taxes paid under protest into Court for the Court to examine and did not account for the amount of money involved; at the same time (November 19, 1971) a like Mandate of the same Appellate Court was filed in this Court on affiants 1967, 1968 and 1969 tax objections, Case Numbers C-68-859-470, C-69-484-99, C-70-695-51, wherein this Court had ordered consolidation and set a date for a hearing, while the cases were on appeal, only to allow the State's Attorney to present motions in open Court to dismiss the cases before the hearing for want of this Court's jurisdiction, without ordering the collector to distribute the money.
4. That the Clerk of this Court was ordered to enter the Motions and Orders ~~unc~~ pro tunc on May 20, 1971 as of May 17, 1971 on the Motion of the State's Attorney, without any Notice to affiant.
5. That as of November 22, 1971, the Collector still had not distributed affiant's taxes.

6. That Affiant has repeatedly asked this Court to examine its practices with regard to tax sales and tax protests and the Court has repeatedly acted as though it were going to and then reniged.
7. That at all times since 1967 and successive years the Clerk of this Court has connived with the Collector by giving the case numbers of the first tax objection filed to the Collector for his use without the Collector filing any pleadings; and; has also helped the Collector to transcribe the tax cases on to his Warrant Books by giving the Collector a list of the tax objection case numbers together with the real-estate Index number and legal description, enabling the Collector to avoid and evade the provisions of the Revenue Act in making a proper application for sale of lits and lands delinquent in payment of taxes and a proper petition to this Court to determine the correct amount of tax paid under protest causing great injury to affiants person and property.
8. That this Court has repeatedly refused to give a clear ruling on the application of the Revenue Act; has repeatedly given conflicting rulings as to the effect of various sections of the Revenue Act.
9. That affiant believes that she had a legitimate complaint against this Court.
10. That it is necessary for this Court to determine whether it can hear a complaint against itself before the case can proceed.
11. That Affiant has repeatedly been threatened and is still being threatened over the cause of this and prior and subsequent tax cases.
12. That affiant's Motion for the Collector to correct the errors and defects in the judgment books and account



for the money or in the alternative show cause why his office should not be declared vacant, which could have been accomplished in February of 1972, in a civil case, has now possibly gone beyond that point in that an amount of money equivalent to affiant's 1968 and 1969 taxes has been distributed by the Collectors after appeal was taken, but his office had no record out of which funds it was distributed when affiant asked, raising the question of official misconduct which cannot be adjudicated in a civil case.

13. That affiant has learned from the press that the Collector has a case in the federal courts wherein a special attorney, possibly acting as a de facto State's Attorney for the County of DuPage, has been restrained from removing or considering removing the collector from office, while the case is pending raising the question as to whether the same State's Attorney can proceed in the State Courts to represent the collector and defeat making the collector account for the taxes collected or show cause why his office should not be declared vacant, necessitating this Court ruling on its jurisdiction. (The State's Attorney has to date not furnished this Affiant a copy of his letter to then presiding Judge George Unverzagt wherein he claimed that this Court lacked jurisdiction, dated app. January 1972 as ordered by this Court on February 2, 1972).

/s/ Margaret E. Thompson  
Margaret E. Thompson

Subscribed and sworn to before me this 22nd  
day of September, 1975

.....  
Notary Public

IN THE EIGHTEENTH JUDICIAL CIRCUIT, DU PAGE COUNTY, WHEATON, ILLINOIS

In the Matter of the  
Application of James  
CLARK vs.

NO. C-71-604

ORDER

This cause coming on to be heard on motion of Margaret Thompson to set the case on the court calendar and to continue pursuant to Supreme Court Rule 369(a) and the court being fully advised in the premises, doth find:

1. The assistant State's Attorney was unable to prepare a response to the motion due to the vacation of the attorney presently handling the matters herein.
2. The matters are of a complex nature and the request of the assistant State's Attorney for a continuance is reasonable and just.

Wherefore it is therefore ordered, adjudged and decreed that this cause be and is hereby continued to Oct. 23, 1975 at 9:30 AM in Court Room 206 for response of the State's Attorney without further notice to all parties and the State's Attorney shall file any written pleadings by Oct. 2, 1975.  
Dated: Oct. 2, 1975

James J. Bunker  
Name  
207 S. P. 3612  
Attorney for  
CLARK vs. THOMPSON  
Address  
City  
60-7250  
Telephone

ENTER: \_\_\_\_\_  
JUDGE

App. 72

STATE OF ILLINOIS )  
 ) ss.  
COUNTY OF DU PAGE)

IN THE CIRCUIT COURT OF THE  
18TH JUDICIAL CIRCUIT  
DU PAGE COUNTY, ILLINOIS

PEOPLE EX REL  
MARGARET E. THOMPSON, etc.,  
vs.  
Petitioner-Plaintiff,

CIRCUIT COURT OF THE  
18TH JUDICIAL CIRCUIT, et al.,  
Respondents and Defendants.

No. C 71-604  
Sub 191

## ORDER

This matter having come up for hearing on the notice filed by complainant Margaret Thompson to appear before Hon. George W. Unverzagt, Judge, or any judge sitting in his stead, on October 2, 1975. And Administrative Order 75-7, dated March 18, 1975, requiring County Division matters to be assigned to Judge Hopf being then in effect and further Judge Unverzagt having been engaged in the call of the Jury Trial Calendar for October 14, 1975 through November 7, 1975 and having directed that the captioned case be sent to Judge Hopf; and

App. 73

Further it appearing that Judge Hopf recused himself from hearing this matter due to his having been State's Attorney at the time alleged herein;

THEREFORE IT IS ORDERED that the hearing on the pending motions herein be and they are assigned to Judge Norgle for disposition.

Enter nunc pro tunc  
October 2, 1975

**ENTER:**  
/s/ *George W. Unverzagt*  
George W. Unverzagt,  
Chief Judge

**APPROVED:**

Margaret E. Thompson

State's Attorney

IN THE EIGHTEENTH JUDICIAL CIRCUIT, DU PAGE COUNTY, WHEATON, ILLINOIS

In the Matter of  
the Application of Clerk

NO. C-71-604

## ORDER

This cause coming on to be heard and the objector, Margaret Thompson, relating her objections to the assignment of the cause to Judge Norgle, and the Court being fully advised in the premises the Court doth find:

1. The Chief Judge recuses himself.

2. The Senior Circuit Judge, Judge Locke should hear and dispose of the tax objection or in the alternative assign the matter to another judge.

Wherefore it is hereby ordered, adjudged and decreed that the cause be and is hereby transferred to Judge Locke for disposal or assignment.

J. J. Bowman  
Name  
207 S. Reber  
Attorney for  
Address  
Wheaton, Ill.  
City  
652-7050  
Telephone

ENTER

JUDGE UNDERST

JOHN W. COCKRELL, CLERK OF THE 18TH JUDICIAL CIRCUIT COURT  
WHEATON, ILLINOIS

IN THE EIGHTEENTH JUDICIAL CIRCUIT, DU PAGE COUNTY, WHEATON, ILLINOIS

In the Matter of the  
Application of James  
Clerk VS.

NO. C-71-604

## ORDER

This cause coming on before Judge Locke and Margaret Thompson appearing pro se, and the Collector being represented by John J. Bowman, State Attorney by Robert D. McFarren and Ms. Thompson objecting to the order entered by Judge Norgle on the ground of a lack of jurisdiction to enter such order and the Court being fully advised in the premises doth find:

1. The assistant State Attorney was unable to prepare a response to the motion due to the vacation of the attorney presently handling the matters herein.

2. The matters of a complex nature and the request of the State for a continuance is reasonable and just.

Wherefore it is therefore ordered, adjudged, and decreed that this cause be and is hereby continued to Oct. 23, 1975 at 9:30 AM in Court Room 204 for response of the State Attorney without further notice to the parties and the State Atty. shall file any written pleading by Oct. 17, 1975.

Date 10-16-75

J. J. Bowman  
Name  
A. J. L.  
Attorney for  
207 S. Reber  
Address  
Wheaton, Ill.  
City  
652-7050  
Telephone

ENTER

JUDGE LOCKE

JOHN W. COCKRELL, CLERK OF THE 18TH JUDICIAL CIRCUIT COURT  
WHEATON, ILLINOIS



App. 76

IN THE EIGHTEENTH JUDICIAL CIRCUIT, DU PAGE COUNTY, WHEATON, ILLINOIS

The People ex rel Thompson)  
vs.  
The Circuit Court  
A/K/A  
In the Matter of the Application  
of James H. Clark

NO. C-71-604

ORDER

This cause coming on for hearing on the plaintiff Thompson motion to have the cause continue and the petitioner James H. Clark having filed a motion to Strike and Dismiss the complaint filed by plaintiff and the cause being brought before Judge Unverzagt due to the inability of Judge Locke to hear the matter, and the court being fully advised in the premises hereby orders that the cause be assigned to Judge Norgle for determination of the above entitled cause.

Wherefore, it is hereby ordered and decreed that the cause be and is hereby transferred to Judge Charles Norgle, Sr. without further notice to the parties.

Date: 10-23-75

J. J. Brown  
Name  
Attorney for  
207 S. 2nd  
Address  
Wheaton  
City  
642-7050  
Telephone

ENTER

JUDGE

JOHN W. COCKRELL, CLERK OF THE 18TH JUDICIAL CIRCUIT COURT  
WHEATON, ILLINOIS

533

App. 77

IN THE EIGHTEENTH JUDICIAL CIRCUIT, DU PAGE COUNTY, WHEATON, ILLINOIS

The People ex rel Thompson)  
vs.  
The Circuit Court  
A/K/A  
In the Matter of the Application  
of James H. Clark

NO. C-71-604

SUB 1010

ORDER

The cause coming on before Judge Charles Norgle, Sr. pursuant to an order entered by Judge Unverzagt transferring the cause on Oct. 23, 1975 and the petitioner James H. Clark appearing before Judge Norgle by and through counsel, and the court determining that the plaintiff M. Thompson was not present before this court and the petitioner asking for a date certain for a hearing on plaintiff's motion to continue the cause and the petitioner's motion to strike and the court being fully advised in the premises does hereby order and decree that the cause be continued to Oct. 30, 1975 at 9:30 AM for hearing on the matters set forth above in Court Room 206.

Date 10-23-75

J. J. Brown  
Name  
Attorney for  
207 S. 2nd  
Address  
Wheaton  
City  
642-7050  
Telephone

ENTER

JUDGE NORGLE

JOHN W. COCKRELL, CLERK OF THE 18TH JUDICIAL CIRCUIT COURT  
WHEATON, ILLINOIS

IN THE EIGHTEENTH JUDICIAL CIRCUIT, DU PAGE COUNTY, WHEATON, ILLINOIS

Margaret Thompson

VS.

The 18th Judicial Circuit Court  
et alNO. C-71-604  
SVE 190

A/K/A

ORDER

In the Matter of the Application  
of James Clark

This cause coming on to be heard on the motion of plaintiff Thompson, and petitioner Clark, and Ms. Thompson presenting a motion to transfer to Federal District Court or in the alternative notify the United States Attorney General without notice to petitioner Clark and the petitioner requesting time to prepare a response to the motion the Court doth order and decree that the cause be continued to Dec. 19, 1975 at 9:30 AM in Court Room 206 for a response to plaintiff's motion ~~open for arguments on the said motion and for setting a date for hearing on other motions presently before the court, to wit the plaintiff's motion to continue and petitioner's motion to strike and dismiss.~~

Date 10-30-75

\_\_\_\_\_  
Name J. J. Bowman  
\_\_\_\_\_  
Attorney for J. J. Bowman  
\_\_\_\_\_  
Address 207 S. Reber  
\_\_\_\_\_  
City  
\_\_\_\_\_  
Telephone

ENTER

JUDGE

C. R. Kugel

JOHN W. COCKRELL, CLERK OF THE 18TH JUDICIAL CIRCUIT COURT  
WHEATON, ILLINOIS

IN THE EIGHTEENTH JUDICIAL CIRCUIT, DU PAGE COUNTY, WHEATON, ILLINOIS

THE PEOPLE BY ELL L. THOMPSON  
VS.  
THE CIRCUIT COURT OF THE 18th  
JUDICIAL CIRCUIT ET.  
VS.  
IN THE MATTER OF THE  
APPLICATION OF JAMES CLARK

NO. C-71-604  
SVE 190

ORDER

THIS CAUSE COMING ON FOR SETTING AND MS. THOMPSON BEING PRESENT BEFORE THE COURT AND ROBERT AMERSON BEING PRESENT BEFORE THE COURT AND MS. THOMPSON ORALLY MOVING TO AMEND PARAGRAPH TWO OF HER MOTION TO TRANSFER WITHOUT PRIOR NOTICE HER MOTION TO AMEND IS DENIED. FURTHER MS. THOMPSON IS GRANTED TEN DAYS TO RESPOND OR ANSWER THE PETITIONER'S MOTION TO STRIKE AND DISMISS HER MOTION TO TRANSFER. FURTHER THE CAUSE BE AND IS HEREBY CONTINUED TO JANUARY 26th, 1976 AT 10:00 AM. BEFORE JUDGE MORGLE WITHOUT FURTHER NOTICE TO THE PARTIES.

DATE: DECEMBER 19th, 1975

\_\_\_\_\_  
Name J. J. Bowman  
\_\_\_\_\_  
Attorney for FULTONER  
\_\_\_\_\_  
Address 207 S. REBER  
\_\_\_\_\_  
City WHEATON, IL  
\_\_\_\_\_  
Telephone 682-7050

ENTER

JUDGE

JOHN W. COCKRELL, CLERK OF THE 18TH JUDICIAL CIRCUIT COURT  
WHEATON, ILLINOIS

## IN THE EIGHTEENTH JUDICIAL CIRCUIT, DU PAGE COUNTY, WHEATON, ILLINOIS

People ex rel  
Thompson  
vs.  
Circuit Court of the  
18th Judicial Circuit,  
et al  
Defendants

NO. C 71-604, et al

## ORDER

This case coming on to be heard on the motion of Plaintiff to strike and discontinue response pleading of collector & Plaintiff's motion to transfer to federal District Court and the Court being advised by Plaintiff that certain documents and records of the Court are necessary as evidence.

It is hereby ordered that the case is continued to Friday January 30, 1976 at 10:00 AM for Plaintiff to present a list of documents necessary.

Name John W. Cockrell  
Attorney for Plaintiff  
Address 1515 S. 1st St.  
City Wheaton, Ill. 60521  
Telephone 3381

ENTER: \_\_\_\_\_  
JUDGE

JOHN W. COCKRELL, CLERK OF THE 18TH JUDICIAL CIRCUIT COURT  
WHEATON, ILLINOIS

## IN THE EIGHTEENTH JUDICIAL CIRCUIT, DU PAGE COUNTY, WHEATON, ILLINOIS

People ex rel Thompson  
vs.  
Circuit Court, et al,  
Defendants

NO. C 71-604 et al.

## ORDER

This case coming on by order of the Court of January 30, 1976 for presentation by Plaintiff of specifications of evidence on January 30, 1976 and the Court being satisfied and having jurisdiction of subject matter.

It is therefore ordered that the case be and hereby is continued to the 13th day of February 1976 at 10:00 AM without further notice.

Name John W. Cockrell  
Attorney for Plaintiff  
Address 1515 S. 1st St.  
City Wheaton, Ill. 60521  
Telephone 3381

ENTER: CR Doyle  
JUDGE

January 30, 1976

JOHN W. COCKRELL, CLERK OF THE 18TH JUDICIAL CIRCUIT COURT  
WHEATON, ILLINOIS



STATE OF ILLINOIS     )  
                                       ) SS.  
 COUNTY OF DU PAGE )

IN THE CIRCUIT COURT OF THE  
 18TH JUDICIAL CIRCUIT  
 DU PAGE COUNTY, ILLINOIS

PEOPLE EX REL. MARGARET E. THOMPSON,  
                                       Petitioner, Realtor and Plaintiff,  
                                       vs.

CIRCUIT COURT OF THE 18TH JUDICIAL CIRCUIT,  
 DU PAGE COUNTY, ILLINOIS, ET AL., ETC.,  
                                       Defendants.

COUNTY DIVISION  
 C 71-604, et al.

MOTION FOR RECORDS

Now comes Margaret E. Thompson, pursuant to an order of the Circuit Court entered on January 26, 1976, continued on January 30, 1976, and files instanter, this her specification of records and documents necessary to complete the records before the court and the necessary evidence to support her motion to strike and dismiss the responsive pleading of the collector and in support thereof alleges as follows:

AFFIDAVIT

Margaret E. Thompson, being first duly sworn upon oath deposes and says as follows:

1. That on January 26, 1976, her Motion to Strike and Dismiss was not in the court file in front of the court where-

upon she furnished the court with a copy, that she does not remember if the copy was signed by her and does not know if the original motion as filed with the Circuit Clerk is now in the file since the records were not in the courtroom on January 3, 1976.

2. That the court order by her prepared on January 26, 1976 and entered by the court on that date erroneously states that the cause is continued to Friday, January 30, 1975, whereas it should be January 30, 1976.

3. That the cause was placed on the court call sheet at 1:30 P.M. on January 30, 1976 without her knowledge.

4. That on October 2, 1975 and again on January 26, 1976 affiant has alleged that the record before the court is not a true, correct and complete record and the court's ruling on the issue needs to be clarified; That either the record before the court is true, complete and correct or in the alternative the record is not true, complete and correct, and the court should so order.

5. That in affiant's presence on January 26, 1976, upon being asked by the deputy clerk, if she should bring the entire record into the court on January 30, 1976, the State's Attorney represented by the Assistant State's Attorney, Robert McLaren, advised the deputy clerk not to bring the entire record into court; That the action exceeds the duties of the State's Attorney.

6. Tffiant says that there exists in the Circuit Court files under Circuit Court, County Division, case numbers C 71-604, C 70-695, C 69-484, and C 68-859 as well as case numbers for subsequent years, many documents and records including two appeals by her as Appellate Number 70-220 and 72-73. Herein the Circuit Clerk did not prepare the original documents in contravention of Supreme Court

rules and Chapter 53, Section 31, Ill. Rev. Stat. and in the appeal 70-220, the Circuit Clerk did not certify to the collector the correct amount of the tax in contravention of Chapter 120, Sec. 718, Ill. Rev. Stat., that many of the documents have no title and there is no general all inclusive index to the cases.

7. That affiant specifies that she needs an index by the Circuit Clerk, on the above county division case numbers as well as possibly others, and that these need to be presented to the court, including every paper, document, pleading, scrap and shred, including receipts signed by the State's Attorney, County Clerk, Circuit Clerk, and County Collector; including court orders, certificates of error, notices of appeal, daily court call sheets, reproductions certified for appeal with the original transcripts by court reporters, and any other thing the circuit clerk might have with the above county case numbers or the above numbers with a combination of any other sub numbers. That is, the entire files as the original primary, best and prima facie evidence that the defendants have discriminated against affiant under the color of State law and that she is entitled to damages.

8. That, further, affiant deems necessary, all court orders entered on April 13, 1971, by Associate Judge George Borovic, some if not all of which were on railroads and all were tax matters, entered in presence of affiant, while some of the listed county division case numbers were by her before the Court.

9. That affiant needs a copy of the ex parte letter of the State's Attorney to Judge George Unverzagt, dated

January, 1972, pursuant to case number C 71-604, wherein the presiding judge ordered a copy given to affiant by State's Attorney and she has to date not received this.

10. That none of the above County Division cases has a title by any defendant which would show that any defendant initiated any of the cases.

11. That affiant may need other case records as evidence; that she is entitled to the records of this court to use at evidence.

12. That the above records specified as necessary does not include the collector's warrant books, judgment books, nor does it include other public records of defendants who have refused to certify their official actions as true, complete and correct.

13. That affiant has been certified by the Appellate Court for not sufficiently identifying the evidence being excluded so that the reviewing court could determine the relevancy and competency of the evidence; that for the trial judge to prevent the records from being identified in court is a suppression of the truth, a denial of freedom of speech and when done before the court has taken jurisdiction of a case that has been on appeal is sufficient reason within itself for transferring the case to the federal district court under 42 U.S.C. 1983, in that the above numbered court records will show that the court was required to examine the lists of lots and lands wherein the taxes were unpaid and the lists wherein taxes were paid under protest pursuant to Chapter 120, Section 716, Ill. Rev. Stat. and at all times pursuant hereto the court has failed to do so.

Wherefore, Margaret E. Thompson prays that the circuit court orders the entire records of the above specified court case numbers be brought into the court room and included as the records of this case and further prays that the other documents requested be made available to her for use as evidence in the above entitled cause and further prays that the circuit court determine its competency without delay, instanter.

Further affiant sayeth not.

Subscribed and sworn to before me  
this ..... day of February, 1976.

Notary public  
Margaret E. Thompson  
Plaintiff  
Box 133  
Hinsdale, Illinois 60521  
323-3381